

BE UNDER THE AGE OF 18 YEARS, IS RECEIVED AT THE FACILITY AND SHALL DELIVER HIM TO THE COURT UPON REQUEST OR TRANSFER HIM TO THE FACILITY DESIGNATED BY THE INTAKE OFFICER OR THE COURT, UNLESS THE COURT HAS WAIVED ITS JURISDICTION WITH RESPECT TO THE PERSON AND HE IS BEING PROCEEDED AGAINST AS AN ADULT.

(B) WHEN A CASE IS TRANSFERRED TO ANOTHER COURT FOR CRIMINAL PROSECUTION, THE CHILD SHALL PROMPTLY BE TRANSFERRED TO THE APPROPRIATE OFFICER OR ADULT DETENTION FACILITY IN ACCORDANCE WITH THE LAW GOVERNING THE DETENTION OF PERSONS CHARGED WITH CRIME.

(C) A CHILD MAY NOT BE TRANSPORTED TOGETHER WITH ADULTS WHO HAVE BEEN CHARGED WITH OR CONVICTED OF A CRIME UNLESS THE COURT HAS WAIVED ITS JURISDICTION AND THE CHILD IS BEING PROCEEDED AGAINST AS AN ADULT.

### 3-817. WAIVER OF JURISDICTION.

(A) THE COURT MAY WAIVE THE EXCLUSIVE JURISDICTION CONFERRED BY §3-804 WITH RESPECT TO A PETITION ALLEGING DELINQUENCY BY:

(1) A CHILD WHO IS ~~[[14]]~~ 15 YEARS OLD OR OLDER, OR

(2) A CHILD WHO HAS NOT REACHED HIS ~~[[14TH]]~~ 15TH BIRTHDAY, BUT WHO IS CHARGED WITH COMMITTING AN ACT WHICH IF COMMITTED BY AN ADULT, WOULD BE PUNISHABLE BY DEATH OR LIFE IMPRISONMENT.

(B) THE COURT MAY NOT WAIVE ITS JURISDICTION UNTIL AFTER IT HAS CONDUCTED A WAIVER HEARING, HELD PRIOR TO AN ADJUDICATORY HEARING AND AFTER NOTICE HAS BEEN GIVEN TO ALL PARTIES AS PRESCRIBED BY THE MARYLAND RULES. THE WAIVER HEARING IS SOLELY TO DETERMINE WHETHER THE COURT SHOULD WAIVE ITS JURISDICTION.

(C) THE COURT MAY NOT WAIVE ITS JURISDICTION UNLESS IT DETERMINES, FROM A ~~[[PREPONDERANCE]]~~ PREPONDERANCE OF THE EVIDENCE PRESENTED AT THE HEARING, THAT THE CHILD IS AN UNFIT SUBJECT FOR JUVENILE REHABILITATIVE MEASURES. FOR PURPOSES OF DETERMINING WHETHER TO WAIVE ITS JURISDICTION, THE COURT SHALL ASSUME THAT THE CHILD COMMITTED THE DELINQUENT ACT ALLEGED.

(D) IN MAKING ITS DETERMINATION, THE COURT SHALL CONSIDER THE FOLLOWING:

(1) AGE OF THE CHILD;

(2) MENTAL AND PHYSICAL CONDITION OF THE CHILD;