

(House Bill 866)

AN ACT concerning

Juvenile Causes - Waiver Hearings

FOR the purpose of requiring judges having juvenile jurisdiction, at the time of the waiver hearing, to address themselves to certain criteria used to determine if waiver of jurisdiction is necessary.

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings
Section 3-817(d)
Annotated Code of Maryland
(1974 Volume and 1976 Supplement)

Preamble

WHEREAS, The Court of Special Appeals of Maryland has held in the matter of Johnson 17 Md. App. 705 (1973) that the Appellate Court has a right to determine vel non that all five factors used to determine whether a waiver of jurisdiction to a higher court is proper were actually considered and properly weighed in relation to each other and in relation to the legislative purpose embodied in Section 70, now Section 3-802, Courts and Judicial Proceedings; and

WHEREAS, Article 3-817(f) concerning juvenile waivers of jurisdiction provides that an order waiving jurisdiction is immediately appealable; and

WHEREAS, It would be in the interest of justice and logic to have a record of the consideration of all five factors to insure that a fair decision on the preponderance of the evidence was made at the hearing and to better enable a higher court to review the decision of the lower court in appeal cases; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 3-817(d) of Article - Courts and Judicial Proceedings, of the Annotated Code of Maryland (1974 Volume and 1976 Supplement) be and it is hereby repealed and reenacted, with amendments, to read as follows:

Article - Courts and Judicial Proceedings

3-817.

(d) In making its determination, the court shall consider the following CRITERIA INDIVIDUALLY AND IN RELATION TO EACH OTHER ON THE RECORD: