

Article 27 - Crimes and Punishments

594A.

(a) In any case, EXCEPT AS PROVIDED IN SUBSECTION (B), involving a child who has reached 14 years of age but has not reached 18 years of age at the time of any alleged offense excluded under the provisions of § 3-804 (d) (1) or (d) (4) of the Courts Article, the court exercising jurisdiction may transfer the case to the juvenile court if a waiver is believed to be in the interests of the child or society.

(B) THE COURT MAY NOT TRANSFER A CASE TO THE JUVENILE COURT UNDER SUBSECTION (A) IF:

(1) THE CHILD WAS A DEFENDANT IN ANOTHER CASE WHERE THE CHILD HAS PREVIOUSLY BEEN WAIVED TO JUVENILE COURT AND ADJUDICATED DELINQUENT;

(2) THE CHILD WAS CONVICTED IN ANOTHER UNRELATED CASE EXCLUDED FROM THE JURISDICTION OF THE JUVENILE COURT UNDER § 3-804 (D)(1) OR (D)(4); OR

{2} (3) THE ALLEGED OFFENSE IS MURDER IN THE FIRST DEGREE AND THE ACCUSED CHILD IS 16 OR 17 AT THE TIME THE ALLEGED OFFENSE WAS COMMITTED.

[(b)] (C) In making a determination as to waiver of jurisdiction the court shall consider the following:

- (1) Age of child;
- (2) Mental and physical condition of child;
- (3) The child's amenability to treatment in any institution, facility, or program available to delinquents;
- (4) The nature of the alleged offense; and
- (5) The public safety.

[(c)] (D) For the purpose of making its determination, the court may request that a study concerning the child, his family, his environment, and other matters relevant to the disposition of the case be made.

[(d)] (E) If the jurisdiction is waived, the court may order the person held for trial under the regular procedures of the juvenile court.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982.