

Section 3-804 ~~and 3-806~~

Annotated Code of Maryland

(1989 Replacement Volume and 1993 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

## 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(e)(1), (4), ~~[or (5)]~~ (5), (6), (7), ~~OR (8) (6), OR (7) OR (4)~~ of the Courts and Judicial Proceedings 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 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(e)(1), (4), ~~[or] (5), (6), (7), OR (8) (6), OR (7) OR (4)~~ of the Courts and Judicial Proceedings Article; ~~for~~

(3) ~~THE CHILD WAS CONVICTED IN ANOTHER UNRELATED CASE IN WHICH THE JUVENILE COURT WAIVED JURISDICTION UNDER § 3-817 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE; OR~~

(4) 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.

(e) ~~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.~~

(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.~~

(e) ~~If the jurisdiction is waived, the court may order the person held for trial under the regular procedures of the juvenile court.~~