

(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) or (4) of the Courts and Judicial Proceedings Article; or

(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.

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

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

[(f)] (G) The court may order a minor to be held in a juvenile facility pending a determination under this section to waive jurisdiction over the case involving the minor to the juvenile court.

(H) (1) (I) A VICTIM SHALL HAVE A RIGHT TO:

~~(A) BE PRESENT AT A WAIVER HEARING AS PROVIDED UNDER § 867 OF THIS ARTICLE; AND~~

~~(B) ADDRESS THE COURT BEFORE THE DETERMINATION AS TO WHETHER TO WAIVE JURISDICTION.~~

~~(C) THE COURT SHALL CONSIDER THE STUDY MADE UNDER SUBSECTION (E) OF THIS SECTION, THE VICTIM IMPACT STATEMENT, AND ANY ORAL ADDRESS BY THE VICTIM WHEN DETERMINING WHETHER TO WAIVE JURISDICTION MAY SUBMIT A VICTIM IMPACT STATEMENT TO THE COURT AS PROVIDED IN § 781 OF THIS ARTICLE.~~

(II) THIS PARAGRAPH DOES NOT PRECLUDE A VICTIM WHO HAS NOT FILED A NOTIFICATION REQUEST FORM UNDER § 770 OF THIS ARTICLE FROM SUBMITTING A VICTIM IMPACT STATEMENT TO THE COURT.