

(2) A child who has not reached his 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) ~~(4)~~ 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.

~~(2)~~ (C) (1) NOTICE OF THE WAIVER HEARING SHALL BE GIVEN TO THE A VICTIM AS PROVIDED UNDER ARTICLE 27, § 770 OF THE CODE.

~~(3) A VICTIM SHALL HAVE A RIGHT TO BE PRESENT AT THE WAIVER HEARING AND SHALL HAVE THE RIGHT TO ADDRESS THE COURT PRIOR TO THE DETERMINATION AS TO WHETHER TO WAIVE ITS JURISDICTION.~~

(2) (I) A VICTIM MAY SUBMIT A VICTIM IMPACT STATEMENT TO THE COURT AS PROVIDED IN ARTICLE 27, § 781 OF THE CODE.

(II) THIS PARAGRAPH DOES NOT PRECLUDE A VICTIM WHO HAS NOT FILED A NOTIFICATION REQUEST FORM UNDER ARTICLE 27, § 770 OF THE CODE FROM SUBMITTING A VICTIM IMPACT STATEMENT TO THE COURT.

(III) THE COURT MAY CONSIDER A VICTIM IMPACT STATEMENT IN DETERMINING WHETHER TO WAIVE JURISDICTION UNDER THIS SECTION.

~~(e)~~ (D) (1) The court may not waive its jurisdiction unless it determines, from a preponderance of the evidence presented at the hearing, that the child is an unfit subject for juvenile rehabilitative measures.

(2) For purposes of determining whether to waive its jurisdiction, the court shall assume that the child committed the delinquent act alleged.

~~(3) IF A STUDY IS MADE UNDER § 3-818 OF THIS SUBTITLE, THE COURT SHALL CONSIDER THE STUDY AND ANY ORAL ADDRESS OR WRITTEN STATEMENT OF A VICTIM WHEN DETERMINING WHETHER TO WAIVE ITS JURISDICTION.~~

~~(d)~~ (E) In making its determination, the court shall consider the following criteria individually and in relation to each other on the record:

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

~~(e)~~ (F) If the jurisdiction is waived, the court shall order the child held for trial under the regular procedures of the court which would have jurisdiction over the