

determination at sentencing as to whether to transfer the case to the juvenile court under certain conditions; requiring the court to consider certain factors in determining whether to transfer jurisdiction; prohibiting the court from considering transferring jurisdiction to the juvenile court under certain conditions; requiring that certain persons be given certain notice; requiring the court to conduct a disposition under certain conditions; requiring that the record of the hearing and of the disposition be transferred to the juvenile court under certain conditions; and generally relating to certain juvenile defendants and the transfer of cases from criminal court to juvenile court.

BY repealing and reenacting, with amendments,

Article - Criminal Procedure

Section 4-202

Annotated Code of Maryland

(2001 Volume)

BY adding to

Article - Criminal Procedure

Section 4-202.2

Annotated Code of Maryland

(2001 Volume)

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

Article - Criminal Procedure

4-202.

(a) (1) In this section the following words have the meanings indicated.

(2) "Victim" has the meaning stated in § 11-104 of this article.

(3) "Victim's representative" has the meaning stated in § 11-104 of this article.

(b) Except as provided in subsection (c) of this section, a court exercising criminal jurisdiction in a case involving a child may transfer the case to the juvenile court BEFORE TRIAL OR BEFORE A PLEA IS ENTERED UNDER MARYLAND RULE 4-242 if:

(1) the accused child was at least 14 but not 18 years of age when the alleged crime was committed;

(2) the alleged crime is excluded from the jurisdiction of the juvenile court under § 3-8A-03(d)(1), (4), or (5) of the Courts Article; and

(3) the court [believes] DETERMINES BY A PREPONDERANCE OF THE EVIDENCE that a transfer of its jurisdiction is in the interest of the child or society.