

(iii) The court shall consider a victim impact statement in determining whether to transfer jurisdiction under this section.

(j) At a bail review or preliminary hearing before the District Court involving a child whose case is eligible for transfer under [subsections (b)(1) and (2) and (c)] SUBSECTION (B) of this section, the District Court may order that a study be made under the provisions of subsection (e) of this section, or that the child be held in a secure juvenile facility under the provisions of subsection (h) of this section, regardless of whether the District Court has criminal jurisdiction over the case.

4-202.2.

(A) AT SENTENCING, A COURT EXERCISING CRIMINAL JURISDICTION IN A CASE INVOLVING A CHILD SHALL DETERMINE WHETHER TO TRANSFER JURISDICTION TO THE JUVENILE COURT IF:

(1) AS A RESULT OF TRIAL OR A PLEA ENTERED UNDER MARYLAND RULE 4-242, ALL CHARGES THAT EXCLUDED JURISDICTION FROM THE JUVENILE COURT UNDER § 3-8A-03(D)(1) OR (4) OF THE COURTS ARTICLE DO NOT RESULT IN A FINDING OF GUILTY; AND

(2) (I) PRETRIAL TRANSFER WAS PROHIBITED UNDER § 4-202(C)(3) OF THIS SUBTITLE; OR

(II) THE COURT DID NOT TRANSFER JURISDICTION AFTER A HEARING UNDER § 4-202(B) OF THIS SUBTITLE.

(B) IN DETERMINING WHETHER TO TRANSFER JURISDICTION UNDER SUBSECTION (A) OF THIS SECTION, THE COURT SHALL CONSIDER:

(1) THE AGE OF THE CHILD;

(2) THE MENTAL AND PHYSICAL CONDITION OF THE CHILD;

(3) THE AMENABILITY OF THE CHILD TO TREATMENT IN AN INSTITUTION, FACILITY, OR PROGRAM AVAILABLE TO DELINQUENT CHILDREN;

(4) THE NATURE OF THE CHILD'S ACTS AS PROVEN IN THE TRIAL OR ADMITTED TO IN A PLEA ENTERED UNDER MARYLAND RULE 4-242; AND

(5) PUBLIC SAFETY.

(C) THE COURT MAY NOT CONSIDER TRANSFERRING JURISDICTION TO THE JUVENILE COURT UNDER THIS SECTION IF:

(1) UNDER THE TERMS OF A PLEA AGREEMENT ENTERED UNDER MARYLAND RULE 4-243, THE CHILD AGREES THAT JURISDICTION IS NOT TO BE TRANSFERRED; OR

(2) PRETRIAL TRANSFER WAS PROHIBITED UNDER § 4-202(C)(1) OR (2) OF THIS SUBTITLE.

(D) (1) A VICTIM OR VICTIM'S REPRESENTATIVE SHALL BE GIVEN NOTICE OF THE TRANSFER HEARING AS PROVIDED UNDER § 11-104 OF THIS ARTICLE.