

HOUSE BILL 798

E3

2lr0607

By: **Delegates Vallario, Frush, Alston, Barnes, Braveboy, Hubbard, and
Valentino-Smith**

Introduced and read first time: February 9, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Offenders – Dual Sentencing**

3 FOR the purpose of authorizing a court exercising criminal jurisdiction in a certain
4 prosecution involving a child to impose simultaneously a juvenile disposition
5 and an adult criminal sentence; authorizing the court to order the child to
6 complete the juvenile disposition and to suspend the adult criminal sentence
7 under certain circumstances; authorizing the court to take certain actions if the
8 child commits a new offense or violates a condition of the suspended adult
9 criminal sentence; and generally relating to dual sentencing of juvenile
10 offenders.

11 BY adding to

12 Article – Criminal Procedure

13 Section 4–202.3

14 Annotated Code of Maryland

15 (2008 Replacement Volume and 2011 Supplement)

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

18 **Article – Criminal Procedure**

19 **4–202.3.**

20 (A) IN A CRIMINAL PROSECUTION INVOLVING A CHILD THAT RESULTS
21 IN A CONVICTION OR A GUILTY PLEA BASED ON AN ACT THAT IS EXCLUDED
22 FROM THE JURISDICTION OF THE JUVENILE COURT UNDER § 3–8A–03(D)(1),
23 (4), OR (5) OF THE COURTS ARTICLE OR FOR WHICH THE JURISDICTION OF THE

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 JUVENILE COURT IS WAIVED UNDER § 3-8A-06 OF THE COURTS ARTICLE, A
2 COURT EXERCISING CRIMINAL JURISDICTION MAY, AT THE SAME TIME:

3 (1) MAKE ANY JUVENILE DISPOSITION DESCRIBED IN § 3-8A-19
4 OF THE COURTS ARTICLE; AND

5 (2) IMPOSE AN ADULT CRIMINAL SENTENCE PROVIDED BY LAW.

6 (B) IF THE COURT IMPOSES BOTH A JUVENILE DISPOSITION AND AN
7 ADULT CRIMINAL SENTENCE UNDER SUBSECTION (A) OF THIS SECTION, THE
8 COURT MAY ORDER THE CHILD TO COMPLETE THE JUVENILE DISPOSITION AND
9 SUSPEND THE ADULT CRIMINAL SENTENCE, SUBJECT TO CONDITIONS
10 ESTABLISHED BY THE COURT.

11 (C) IF THE COURT IMPOSES AN ORDER AND SUSPENDS A SENTENCE
12 UNDER SUBSECTION (B) OF THIS SECTION AND THE CHILD COMMITS A NEW
13 OFFENSE OR VIOLATES A CONDITION OF THE SUSPENDED ADULT CRIMINAL
14 SENTENCE WHILE SERVING THE JUVENILE DISPOSITION, THE COURT MAY:

15 (1) REVOKE THE JUVENILE DISPOSITION;

16 (2) IMPOSE THE ADULT CRIMINAL SENTENCE; OR

17 (3) ENTER ANY ORDER THE COURT CONSIDERS APPROPRIATE.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2012.