

HOUSE BILL 933

E3
HB 798/12 – JUD

0lr2980

By: **Delegate Wilson**

Introduced and read first time: February 5, 2020

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 and an
5 adult criminal sentence; authorizing the court to order the child to complete the
6 juvenile disposition and to suspend the adult criminal sentence under certain
7 circumstances; authorizing the court to take certain actions if the child commits a
8 new offense or violates a condition of the suspended adult criminal sentence; and
9 generally relating to dual sentencing of juvenile offenders.

10 BY adding to

11 Article – Criminal Procedure

12 Section 4–202.3

13 Annotated Code of Maryland

14 (2018 Replacement Volume and 2019 Supplement)

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

17 **Article – Criminal Procedure**

18 **4–202.3.**

19 **(A) IN A CRIMINAL PROSECUTION INVOLVING A CHILD THAT RESULTS IN A**
20 **CONVICTION OR A GUILTY PLEA BASED ON AN ACT THAT IS EXCLUDED FROM THE**
21 **JURISDICTION OF THE JUVENILE COURT UNDER § 3–8A–03(D)(1), (4), OR (5) OF THE**
22 **COURTS ARTICLE OR FOR WHICH THE JURISDICTION OF THE JUVENILE COURT IS**
23 **WAIVED UNDER § 3–8A–06 OF THE COURTS ARTICLE, A COURT EXERCISING**
24 **CRIMINAL JURISDICTION MAY, AT THE SAME TIME:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

13 **(1) REVOKE THE JUVENILE DISPOSITION;**

14 **(2) IMPOSE THE ADULT CRIMINAL SENTENCE; OR**

15 **(3) ENTER ANY ORDER THE COURT CONSIDERS APPROPRIATE.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2020.