

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 749
Judiciary

(Delegate Crutchfield)

Judicial Proceedings

Juvenile Court - Concurrent Jurisdiction - Juvenile Offenses on Military Installations

This bill establishes that the jurisdiction of the juvenile court is concurrent with a federal court sitting in the State over proceedings involving a violation of federal law committed by a child on a military installation of the U.S. Department of Defense if (1) the federal court waives exclusive jurisdiction and (2) the violation of federal law is also a crime under State law.

Fiscal Summary

State Effect: The bill is procedural and is not expected to materially affect State finances and operations.

Local Effect: The bill is procedural and is not expected to materially affect local finances and operations.

Small Business Effect: None.

Analysis

Current Law:

Jurisdiction Between the State and Military Installations

With respect to land that the United States or any unit of the United States leases or otherwise holds in the State, the State reserves jurisdiction and authority over the land, and persons, property, and transactions on the land, to the fullest extent that is allowed by the

U. S. Constitution and not inconsistent with the governmental purpose for which the land is held. This does not affect the jurisdiction and authority of the State over land, or persons, property, and transactions on the land, that the United States or a unit of the United States acquired on or before May 31, 1943, to the extent that the State ceded jurisdiction, as specified. However, for the purpose of enforcing the civil or criminal laws of the State, the Governor may enter into an agreement with the United States to establish full or partial concurrent jurisdiction of the State and the United States over any land in the State held by the United States.

The State has ceded exclusive jurisdiction to the United States over land situated in Anne Arundel County that is part of the Fort George G. Meade Military Reservation. However, the State retains the right to (1) serve all civil and criminal process of the courts of the State and (2) enforce and ensure compliance with all applicable environmental and Public Service Commission laws and regulations.

Juvenile Court Jurisdiction

In general, the juvenile court has jurisdiction over children who are alleged to be delinquent, in need of supervision, or who have received a citation for specified violations. However, except under limited circumstances involving a child who is at least age 10 and alleged to have committed a “crime of violence,” as defined in § 14-101 of the Criminal Law Article, the juvenile court does not have jurisdiction over a child younger than age 13 for purposes of a delinquency proceeding and such a child may not be charged with a crime. In addition, the juvenile court does not have jurisdiction over (1) a child at least age 14 alleged to have committed an act which, if committed by an adult, would be a crime punishable by life imprisonment; (2) a child at least age 16 alleged to have violated certain traffic or boating laws; (3) a child at least age 16 alleged to have committed certain violent crimes; or (4) a child who previously has been convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult. These cases would be tried in adult criminal court. Provisions exist for an adult court to transfer a case to the juvenile court and for the juvenile court to transfer a case to adult court.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 115 (Senator Jackson) - Judicial Proceedings.

Information Source(s): Governor's Office; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Juvenile Services; Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2023
js/aad Third Reader - March 15, 2023

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