

MARYLAND LAW ON CHARGING YOUTH AS ADULTS

Automatic waiver – Youth will *automatically* be charged as adults for the following crimes (**including conspiracy** to commit them):

14 years old or older can be charged as adults for:

- First degree murder (and attempted)
- First degree rape (and attempted)
- First degree sex offense (and attempted)

AND ALL OTHER CHARGES STEMMING FROM THE SAME INCIDENT for the above crimes (whether or not these crimes are ones for which a youth could be automatically charged as an adult, e.g., trespass, etc.)

16 years old or older can be charged as adults for:

- Abduction
- Kidnapping
- Second degree murder (and attempted)
- Voluntary manslaughter
- Second degree rape (and attempted)
- Robbery with a dangerous weapon (and attempted)
- Second degree sexual offense (and attempted)
- Third degree sexual offense
- Firearms crimes (possession, transfer, stolen, shortbarreled shotguns, possession of a firearm during drug trafficking, felon with a firearm, using a firearm in commission of a crime, or using a machine gun in a crime of violence or for an aggressive purpose)

- Carjacking (including armed carjacking)
- Assault in the first degree

AND ALL OTHER CHARGES STEMMING FROM THE SAME INCIDENT for the above crimes (whether or not these crimes are ones for which a youth could be automatically charged as an adult, e.g., trespass, etc.)

- Transportation or boat offenses that do not have a penalty of incarceration
- Peace order proceedings

Youth in these *categories* will automatically be charged as adults:

- Once waived, always waived – If the child was previously convicted of a felony as an adult and is alleged to have committed another felony.

Discretionary waiver – Juvenile court judges can exercise their discretion to waive youth under certain circumstances.

The following youth *may* be waived up to the adult criminal court:

- Youth 15 years old or older for any offense
- Youth under 15 who commit an act punishable by life in prison or death if it was committed by an adult. Children less than 7 years old cannot be waived.

Transfer (also known as “reverse waiver”) - Under certain circumstances, youth have the opportunity to ask the adult criminal court to transfer them to the juvenile system.

The following youth are *ineligible* for transfer; i.e., they can *never* be sent back to juvenile court:

- Youth previously transferred to juvenile court who were adjudicated delinquent
- Youth convicted in a prior unrelated case of a legislatively excluded adult criminal offense (see the automatic crimes listed above)
- Youth who allegedly commit first degree murder when they are 16 or 17 years old