

§ 406B. Penalty and prosecution.

Any person [under the age of twenty-one (21) years] *above the age of juvenile court jurisdiction* violating the provisions of this subtitle shall be deemed guilty of a misdemeanor, and, upon a conviction thereof in any court of competent jurisdiction, shall be sentenced to pay a fine of not more than three hundred dollars (\$300.00) or imprisoned in jail for a period not exceeding sixty (60) days, or both fined and imprisoned in the discretion of the court. [Notwithstanding the provisions of Article 26, subtitle "Juvenile Causes," to the contrary, all prosecutions for violations of the provisions of this section may be either upon presentment and indictment in any court having criminal jurisdiction in, this State, or by trial before any justice of the peace duly assigned to hear and determine criminal matters in and for the said county, as the case may be, where the offense occurs, and jurisdiction original and concurrent with the said courts having criminal jurisdiction is hereby given to the said justices of the peace, as aforesaid, and they shall have power to issue all processes and do all acts which may be necessary for the exercise of said jurisdiction, and may try and determine all such cases and may pronounce judgment and impose sentence therein to the same extent as the aforesaid courts having criminal jurisdiction could do in such cases, if such cases were tried before such court without a jury; provided, however, that if any person when brought before any such justice of the peace having jurisdiction of the case, shall before the trial for the alleged offense, pray a jury trial, or if the State's attorney for the said county where the offense occurs shall, before the trial of such alleged offense, pray a jury trial on behalf of the State, it shall be the duty of such justice of the peace to commit such alleged offender for trial, or to hold him to bail to appear for trial in the court having criminal jurisdiction in the case, at its then or next session and to transmit said commitment or recognizance with the names and residences of the witnesses for the prosecution endorsed thereon, forthwith to the clerk of said court; and the justice of the peace, before whom the accused is brought for trial, shall inform him seasonably of his right to demand a trial by jury. Provided, however, that in Anne Arundel County the Circuit Court, sitting as a juvenile court pursuant to Article 26, subtitle "Juvenile Causes," shall have original and exclusive jurisdiction over any violation of this subtitle by any person under eighteen (18) years of age, anything herein to the contrary notwithstanding.] *Jurisdiction over those minors who are within the age of juvenile court jurisdiction is in the juvenile court. However, if there is a waiver of juvenile jurisdiction with respect to a minor who is otherwise subject to juvenile court jurisdiction, then the District Court has jurisdiction over the matter notwithstanding any provision of Article 26, § 145(b) (2) (iii) to the contrary.*

§ 406C. Refusal to furnish proof of identification and age to police officer.

In Worcester County and in Anne Arundel County for the purposes of the enforcement of §§ 400 through 406C of this article, when any duly constituted police officer is engaged in the discharge of his duty and he has reason to believe that a person is under the age of 21 years it shall be unlawful for such person *if above the age of juvenile court jurisdiction* to fail or refuse to furnish proof of his identification and age upon demand for the same by said duly con-