

SENATE BILL 172

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1998 Regular Session
8lr6184
CF 8lr6185

By: **The President (Administration)**

Introduced and read first time: January 23, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Causes - Pretrial Procedures - Warrant Inspection**

3 FOR the purpose of prohibiting the inspection of warrants under certain
4 circumstances; and generally relating to warrants.

5 BY repealing and reenacting, with amendments,
6 Article 27 - Crimes and Punishments
7 Section 751
8 Annotated Code of Maryland
9 (1996 Replacement Volume and 1997 Supplement)

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

12 **Article 27 - Crimes and Punishments**

13 751.

14 (a) Subject to the provisions of § 752 (f), a person may inspect criminal history
15 record information maintained by a criminal justice agency concerning him. A
16 person's attorney may inspect such information if he satisfactorily establishes his
17 identity and presents a written authorization from his client.

18 (B) (1) UNLESS OTHERWISE ORDERED BY THE COURT, FILES AND RECORDS
19 OF THE COURT PERTAINING TO A WARRANT ISSUED PURSUANT TO MARYLAND RULE
20 4-212(D)(1) OR (D)(2) AND THE CHARGING DOCUMENT UPON WHICH THE WARRANT
21 WAS ISSUED SHALL NOT BE OPEN TO INSPECTION UNTIL EITHER:

22 (I) THE WARRANT HAS BEEN SERVED AND A RETURN OF SERVICE HAS
23 BEEN FILED IN COMPLIANCE WITH MARYLAND RULE SECTION 4-212(G); OR

24 (II) 90 DAYS HAVE ELAPSED SINCE THE WARRANT WAS ISSUED.

25 (2) UNLESS SEALED PURSUANT TO MARYLAND RULE 4-201(D), THE FILES AND
26 RECORDS SHALL BE OPEN TO INSPECTION.

1 [(b)] (C) Nothing in this section requires a criminal justice agency to make a
2 copy of any information or allows a person to remove any document for the purpose of
3 making a copy of it. A person having the right of inspection may make notes of the
4 information.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect October 1, 1998.