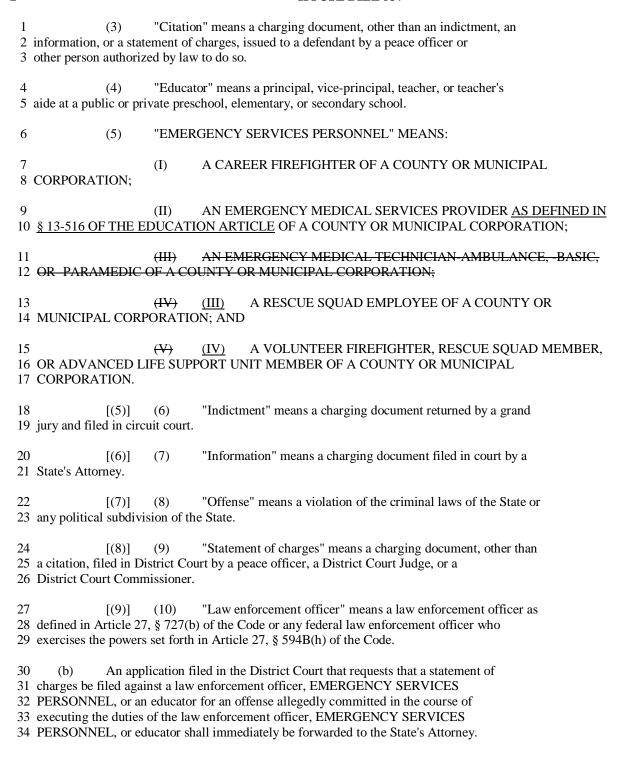
Unofficial Copy E2 1999 Regular Session 9lr2055 CF 9lr0844

By: Delegates Valderrama and Vallario Introduced and read first time: February 11, 1999 Assigned to: Judiciary Committee Report: Favorable with amendments House action: Adopted Read second time: March 9, 1999	
1	AN ACT concerning
2 3	Courts and Judicial Proceedings Criminal Procedure - Charging Document - Emergency Services Personnel
5 6 7 8 9 10 11 12 13 14 15	FOR the purpose of defining a certain term for purposes of certain provisions of law relating to the filing of a charging document against certain emergency services personnel adding certain emergency services personnel to those occupations for which certain procedures concerning statements of charges apply to District Court Commissioners and State's Attorneys under certain circumstances; defining a certain term; making technical corrections; and generally relating to the filing of a charging document against certain emergency services personnel. BY repealing and reenacting, with amendments, Article - Courts and Judicial Proceedings Section 2-608 Annotated Code of Maryland (1998 Replacement Volume) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
18	Article - Courts and Judicial Proceedings
19	2-608.
20	(a) (1) In this section the following words have the meanings indicated.
21 22	(2) "Charging document" means a written accusation alleging that a defendant has committed an offense

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- 1 (c) (1) Upon receiving an application filed in District Court requesting that
 2 a statement of charges be filed against a law enforcement officer, EMERGENCY
 3 SERVICES PERSONNEL, or an educator, the State's Attorney shall:
 4 (i) Investigate the circumstances of the matter; and
 5 (ii) Make a recommendation to the District Court Commissioner as
 6 to whether a statement of charges should be filed against the law enforcement officer,
 7 EMERGENCY SERVICES PERSONNEL, or the educator.
- 8 (2) If the State's Attorney recommends to a District Court Commissioner 9 that a statement of charges be filed against a law enforcement officer, EMERGENCY 10 SERVICES PERSONNEL, or an educator, the State's Attorney shall also make a 11 recommendation as to whether a summons or warrant should issue.
- 12 (d) Notwithstanding any other provision of the Code or the Maryland Rules, a
 13 statement of charges for an offense allegedly committed in the course of executing the
 14 duties of the law enforcement officer, EMERGENCY SERVICES PERSONNEL, or the
 15 educator may not be filed against a law enforcement officer, EMERGENCY SERVICES
 16 PERSONNEL, or educator until the State's Attorney has investigated the
 17 circumstances of the matter and made recommendations to the District Court
 18 Commissioner in accordance with subsection (c) of this section.
- 19 (e) This section may not be construed to preclude the State's Attorney from 20 making a determination that an information should be filed against a law 21 enforcement officer, EMERGENCY SERVICES PERSONNEL, or an educator or that a 22 grand jury should be convened to determine whether an indictment should be filed.
- 23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 24 October 1, 1999.