

HOUSE BILL 153

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3lr0707

By: **Delegates Anderson, Vallario, Clippinger, Cluster, Conaway, Dumais, Glenn, Hough, Ivey, McComas, McDermott, Mitchell, Parrott, Smigiel, and Valderrama**

Introduced and read first time: January 18, 2013

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2013

CHAPTER _____

1 AN ACT concerning

2 **Office of the Public Defender – Representation at Bail Hearing – Provisional**

3 FOR the purpose of establishing that the representation provided by the Office of the
4 Public Defender to an indigent individual at a bail hearing before a District
5 Court or circuit court judge shall be limited solely to the bail hearing and shall
6 terminate automatically at the conclusion of the hearing; establishing a certain
7 exception; and generally relating to representation by the Office of the Public
8 Defender.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 16–204
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2012 Supplement)

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

16 **Article – Criminal Procedure**

17 16–204.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) Representation of an indigent individual may be provided in accordance
2 with this title by the Public Defender or, subject to the supervision of the Public
3 Defender, by the deputy public defender, district public defenders, assistant public
4 defenders, or panel attorneys.

5 (b) (1) Indigent defendants or parties shall be provided representation
6 under this title in:

7 (i) a criminal or juvenile proceeding in which a defendant or
8 party is alleged to have committed a serious offense;

9 (ii) a criminal or juvenile proceeding in which an attorney is
10 constitutionally required to be present prior to presentment being made before a
11 commissioner or judge;

12 (iii) a postconviction proceeding for which the defendant has a
13 right to an attorney under Title 7 of this article;

14 (iv) any other proceeding in which confinement under a judicial
15 commitment of an individual in a public or private institution may result;

16 (v) a proceeding involving children in need of assistance under §
17 3-813 of the Courts Article; or

18 (vi) a family law proceeding under Title 5, Subtitle 3, Part II or
19 Part III of the Family Law Article, including:

20 1. for a parent, a hearing in connection with
21 guardianship or adoption;

22 2. a hearing under § 5-326 of the Family Law Article for
23 which the parent has not waived the right to notice; and

24 3. an appeal.

25 (2) (i) Except as provided in subparagraph (ii) of this paragraph,
26 representation shall be provided to an indigent individual in all stages of a proceeding
27 listed in paragraph (1) of this subsection, including, in criminal proceedings, custody,
28 interrogation, bail hearing before a District Court or circuit court judge, preliminary
29 hearing, arraignment, trial, and appeal.

30 (ii) Representation is not required to be provided to an indigent
31 individual at an initial appearance before a District Court commissioner.

32 (iii) **1. THIS SUBPARAGRAPH DOES NOT APPLY TO AN**
33 **INDIVIDUAL WHO REMAINS INCARCERATED AFTER A BAIL HEARING.**

1 **2. THE REPRESENTATION PROVIDED TO AN**
2 **INDIGENT INDIVIDUAL AT A BAIL HEARING BEFORE A DISTRICT COURT OR**
3 **CIRCUIT COURT JUDGE SHALL BE LIMITED SOLELY TO THE BAIL HEARING AND**
4 **SHALL TERMINATE AUTOMATICALLY AT THE CONCLUSION OF THE HEARING.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.