

HOUSE BILL 586

E2

3lr1035

By: **Delegates Clippinger, Anderson, DeBoy, McDermott, and Niemann**

Introduced and read first time: January 31, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts and Judicial Proceedings – Appeal on the Record – Nonincarcerable**
3 **Traffic Violation**

4 FOR the purpose of altering the standard of review for an appeal in a criminal case in
5 which a defendant has been charged with a certain nonincarcerable traffic
6 violation from being tried de novo to being heard on a certain record; making
7 stylistic changes; providing for the application of this Act; and generally relating
8 to the appeal of a criminal case in which a defendant has been charged with a
9 nonincarcerable traffic violation.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 12–401(f)
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2012 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 12–401.

19 (f) **(1)** [In a] **AN APPEAL SHALL BE HEARD ON THE RECORD MADE IN**
20 **THE DISTRICT COURT IN:**

21 **(I)** A civil case in which the amount in controversy exceeds
22 \$5,000 exclusive of interest, costs, and attorney’s fees if attorney’s fees are recoverable
23 by law or contract[, in any];

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II)** ANY matter arising under § 4–401(7)(ii) of this article[, and
2 in any];

3 **(III)** ANY case in which the parties so agree[, an appeal shall be
4 heard on the record made in the District Court]; **AND**

5 **(IV)** A CRIMINAL CASE IN WHICH A DEFENDANT HAS BEEN
6 CHARGED WITH A NONINCARCERABLE VIOLATION OF THE MARYLAND VEHICLE
7 LAW OR ANY OTHER TRAFFIC LAW, ORDINANCE, OR REGULATION.

8 **(2)** [In every other] AN APPEAL SHALL BE TRIED DE NOVO IN:

9 **(I)** EVERY case OTHER THAN ONE DESCRIBED IN
10 PARAGRAPH (1) OF THIS SUBSECTION, including a criminal case in which sentence
11 has been imposed or suspended following a plea of nolo contendere or guilty[.]; and

12 **(II)** [an] AN appeal in a municipal infraction or Code violation
13 case[, an appeal shall be tried de novo].

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
15 construed to apply only prospectively and may not be applied or interpreted to have
16 any effect on or application to any appeal filed before the effective date of this Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2013.