

HOUSE BILL 120

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5lr0795

By: **Delegates Vallario, Anderson, Carter, Conaway, Dumais, Glass, Kittleman,
Moon, Morales, Rosenberg, Smith, Sydnor, and Valentino-Smith**

Introduced and read first time: January 26, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Failure to Appear – Rescheduling**

3 FOR the purpose of authorizing a judge to set a bond in a certain case on issuing a bench
4 warrant under a certain provision of law; requiring the court to strike a certain bench
5 warrant and reschedule a certain hearing or trial if a certain person posts a bond
6 under certain circumstances; and generally relating to issuance of a bench warrant
7 for failure to appear at a criminal proceeding.

8 BY repealing and reenacting, with amendments,

9 Article – Criminal Procedure

10 Section 5–211

11 Annotated Code of Maryland

12 (2008 Replacement Volume and 2014 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Criminal Procedure**

16 5–211.

17 (a) If a person has been charged with a crime and admitted to bail or released on
18 recognizance and the person forfeits the bail or recognizance and willfully fails to
19 surrender, a bench warrant shall be issued for the person's arrest.

20 **(B) (1) ON ISSUING A BENCH WARRANT UNDER SUBSECTION (A) OF THIS**
21 **SECTION, A JUDGE MAY ALSO SET A BOND IN THE CASE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) IF A PERSON AGAINST WHOM A BENCH WARRANT HAS BEEN**
2 **ISSUED POSTS A BOND THAT HAS BEEN SET BY A JUDGE UNDER PARAGRAPH (1) OF**
3 **THIS SUBSECTION, THE COURT SHALL:**

4 **(I) STRIKE THE BENCH WARRANT; AND**

5 **(II) RESCHEDULE THE HEARING OR TRIAL.**

6 **[(b)](C)** A person who has been admitted to bail or released on recognizance in
7 a criminal case in the State and who willfully fails to surrender within 30 days after the
8 date of forfeiture is guilty of a misdemeanor and on conviction is subject to:

9 (1) a fine not exceeding \$5,000 or imprisonment not exceeding 5 years or
10 both, if the bail or recognizance was given in connection with a charge of a felony or pending
11 an appeal, certiorari, habeas corpus, or postconviction proceeding after conviction of any
12 crime; or

13 (2) a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or
14 both, if the bail or recognizance was given in connection with a charge of a misdemeanor,
15 or for appearance as a witness.

16 **[(c)](D)** This section does not diminish the power of a court to punish for
17 contempt.

18 **[(d)](E)** A person who is prosecuted under subsection **[(b)(1)](C)(1)** of this
19 section is subject to § 5–106(b) of the Courts Article regarding the exemption from the
20 statute of limitations for the institution of prosecution and the right of in banc review.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2015.