

HOUSE BILL 1638

D1, E2

6lr3859

By: **Delegates McKay, Beitzel, Ghrist, Kittleman, and McConkey**

Rules suspended

Introduced and read first time: March 9, 2016

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Initial Appearance Before a District Court Commissioner**
3 **– Funding**

4 FOR the purpose of requiring the Governor to include in the budget bill for each fiscal year
5 sufficient funds to cover the administration of the District Court of Maryland
6 Appointed Attorneys Program; specifying that local governments may not be charged
7 for any costs associated with the administration of the Program; requiring the
8 Governor to include in the budget bill a deficiency appropriation to cover the excess
9 costs of the Program under certain circumstances; defining a certain term; and
10 generally relating to funding for the District Court of Maryland Appointed Attorneys
11 Program.

12 BY adding to

13 Article – Criminal Procedure

14 Section 5–216

15 Annotated Code of Maryland

16 (2008 Replacement Volume and 2015 Supplement)

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

19 **Article – Criminal Procedure**

20 **5–216.**

21 **(A) IN THIS SECTION, “PROGRAM” MEANS THE DISTRICT COURT OF**
22 **MARYLAND APPOINTED ATTORNEYS PROGRAM ESTABLISHED IN MAY 2014 TO**
23 **PROVIDE APPOINTED COUNSEL FOR INDIGENT CRIMINAL DEFENDANTS DURING**
24 **INITIAL APPEARANCES BEFORE A JUDICIAL OFFICER.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:**

2 **(1) THE GOVERNOR INCLUDE IN THE BUDGET BILL FOR EACH FISCAL**
3 **YEAR SUFFICIENT FUNDS TO COVER THE ADMINISTRATION OF THE PROGRAM; AND**

4 **(2) LOCAL GOVERNMENTS MAY NOT BE CHARGED FOR ANY COSTS**
5 **ASSOCIATED WITH THE ADMINISTRATION OF THE PROGRAM.**

6 **(C) FOR ANY FISCAL YEAR IN WHICH THE STATE APPROPRIATION IS**
7 **INSUFFICIENT TO FULLY FUND THE PROGRAM, THE GOVERNOR SHALL INCLUDE IN**
8 **THE BUDGET BILL FOR THE FOLLOWING FISCAL YEAR A DEFICIENCY**
9 **APPROPRIATION TO COVER THE EXCESS COSTS OF THE PROGRAM.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
11 1, 2016.