

SENATE BILL 627

E2

9lr2513

By: **Senator Carter**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Initial Appearance – Probable Cause**

3 FOR the purpose of requiring a judicial officer to determine whether there was probable
4 cause for a certain charge and arrest and to make a certain record at a certain time
5 under certain circumstances; requiring a certain judicial officer to make a certain
6 determination without considering a certain defendant's prior criminal record; and
7 generally relating to initial appearances.

8 BY adding to

9 Article – Criminal Procedure
10 Section 4–102.1
11 Annotated Code of Maryland
12 (2018 Replacement Volume)

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 **4–102.1.**

17 **(A) AT THE TIME OF THE INITIAL APPEARANCE OF A DEFENDANT WHO WAS**
18 **ARRESTED WITHOUT A WARRANT, AS A PRELIMINARY MATTER, THE JUDICIAL**
19 **OFFICER SHALL DETERMINE WHETHER THERE WAS PROBABLE CAUSE FOR EACH**
20 **CHARGE AND FOR THE ARREST AND, AS TO EACH DETERMINATION, MAKE A WRITTEN**
21 **RECORD.**

22 **(B) A JUDICIAL OFFICER SHALL MAKE THE DETERMINATIONS UNDER**
23 **SUBSECTION (A) OF THIS SECTION WITHOUT CONSIDERING THE DEFENDANT'S**
24 **PRIOR CRIMINAL RECORD.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2019.