

# SENATE BILL 1017

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By: **Senators Zirkin and Miller**

Introduced and read first time: February 28, 2019

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Office of the Public Defender – Definition of Serious**  
3 **Offense**

4 FOR the purpose of altering a certain definition of “serious offense” to remove a certain  
5 limitation on offenses that are included for purposes relating to representation by  
6 the Office of the Public Defender; and generally relating to the Office of the Public  
7 Defender.

8 BY repealing and reenacting, without amendments,  
9 Article – Criminal Procedure  
10 Section 16–101(a) and 16–204(b)(1)(i)  
11 Annotated Code of Maryland  
12 (2018 Replacement Volume)

13 BY repealing and reenacting, with amendments,  
14 Article – Criminal Procedure  
15 Section 16–101(h)  
16 Annotated Code of Maryland  
17 (2018 Replacement Volume)

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

20 **Article – Criminal Procedure**

21 16–101.

22 (a) In this title the following words have the meanings indicated.

23 (h) “Serious offense” means:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1                   (1)    a felony;
- 2                   (2)    a misdemeanor or offense punishable by confinement [for more than 3  
3 months or a fine of more than \$500];
- 4                   (3)    a delinquent act that would be a serious offense if committed by an  
5 adult; or
- 6                   (4)    an offense in which, in the opinion of the court, the complexity of the  
7 matter or the youth, inexperience, or mental capacity of the accused requires  
8 representation of the accused by an attorney.

9 16–204.

- 10           (b)   (1)    Indigent defendants or parties shall be provided representation under  
11 this title in:
- 12                               (i)    a criminal or juvenile proceeding in which a defendant or party  
13 is alleged to have committed a serious offense;

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