

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 1036

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Task Force to Study Circuit Court Procedures on Issuance of Body Attachment” and substitute “Circuit Courts - Arrest”; in the same line, after “Warrants” insert “- Forms”; strike beginning with “establishing” in line 3 down through “warrants” in line 6 and substitute “requiring a warrant for arrest, in a circuit court, to be issued on a form containing certain information; providing for the size of the form, the effect of failing to use the form, and the caption of the form; providing for a delayed effective date; and generally relating to arrest warrants issued in a circuit court”; and strike in their entirety lines 7 through 11, inclusive, and substitute:

“BY adding to

Article 27 - Crimes and Punishments

Section 594D-1

Annotated Code of Maryland

(1996 Replacement Volume)”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 14 on page 1 through line 15 on page 2, inclusive, and substitute:

“Article 27 - Crimes and Punishments

594D-1.

(A) IN A CIRCUIT COURT, A WARRANT FOR ARREST SHALL BE ISSUED ON A FORM CONTAINING:

(1) THE FOLLOWING INFORMATION, IF KNOWN, RELATING TO THE

(Over)

INDIVIDUAL FOR WHOM THE WARRANT IS ISSUED:

(I) FULL NAME AND LAST KNOWN ADDRESS;

(II) RACE;

(III) GENDER;

(IV) HEIGHT AND WEIGHT;

(V) HAIR AND EYE COLOR;

(VI) DRIVER'S LICENSE NUMBER;

(VII) SOCIAL SECURITY NUMBER;

(VIII) KNOWN DISTINGUISHING BODY MARKS OR SCARS; AND

(IX) ANY OTHER PERTINENT IDENTIFYING INFORMATION; AND

(2) SPECIFIC INSTRUCTIONS INDICATING THE JUDGE OR COURT COMMISSIONER BEFORE WHOM THE INDIVIDUAL IS DIRECTED TO APPEAR ONCE ARRESTED.

(B) THE ARREST WARRANT SHALL BE PROVIDED ON A FORM THAT IS 8 1/2 INCHES BY 11 INCHES IN SIZE.

(C) ON THE ISSUANCE OF AN ARREST WARRANT, THE JUDGE ISSUING THE WARRANT SHALL MAINTAIN A COPY FOR THE JUDGE'S FILE AND PROVIDE COPIES TO:

(1) THE CLERK OF THE CIRCUIT COURT;

(2) THE SHERIFF OR OTHER LAW ENFORCEMENT PERSONNEL WHO WILL BE SERVING THE WARRANT; AND

(3) THE INDIVIDUAL FOR WHOM THE WARRANT IS ISSUED.

(D) FAILURE TO USE THE FORM DESCRIBED IN THIS SECTION MAY NOT BE CONSTRUED TO HAVE ANY EFFECT ON AN OTHERWISE LAWFUL ARREST.

(E) AN ARREST WARRANT ISSUED UNDER THIS SECTION SHALL BE CLEARLY CAPTIONED AS FOLLOWS:

(1) “ARREST WARRANT/STATE CAPIAS”;

(2) “ARREST WARRANT/CONTEMPT”;

(3) “ARREST WARRANT/CONTEMPT OF COURT”; OR

(4) “ARREST WARRANT/BODY ATTACHMENT”.”.

On page 2, in lines 16 and 17, strike “June 1, 1997” and substitute “January 1, 1998”.