
By: Delegate Harkins

Introduced and read first time: February 3, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 1997

CHAPTER ____

1 AN ACT concerning

2 ~~Task Force to Study Circuit Court Procedures on Issuance of Body Attachment Circuit~~
3 ~~Courts - Arrest Warrants - Forms~~

4 FOR the purpose of establishing a task force to study the issuance by the circuit courts of
5 body attachment warrants and any other documents that require the arrest of a
6 person; providing for the effective date of this Act; and generally relating to a Task
7 Force on the issuance of body attachment warrants requiring a warrant for arrest, in
8 a circuit court, to be issued on a form containing certain information; providing for
9 the size of the form, the effect of failing to use the form, and the caption of the
10 form; providing for a delayed effective date; and generally relating to arrest
11 warrants issued in a circuit court.

12 ~~BY adding to~~

13 ~~Article 41— Governor— Executive and Administrative Departments~~

14 ~~Section 18-313~~

15 ~~Annotated Code of Maryland~~

16 ~~(1993 Replacement Volume and 1996 Supplement)~~

17 ~~BY adding to~~

18 ~~Article 27 - Crimes and Punishments~~

19 ~~Section 594D-1~~

20 ~~Annotated Code of Maryland~~

21 ~~(1996 Replacement Volume)~~

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

23 MARYLAND, That the Laws of Maryland read as follows:

2

1 ~~Article 41—Governor—Executive and Administrative Departments~~

2 ~~18-313.~~

3 ~~(A) THERE IS A TASK FORCE TO STUDY CIRCUIT COURT PROCEDURES ON~~
4 ~~THE ISSUANCE OF WARRANTS FOR BODY ATTACHMENTS AND OTHER DOCUMENTS~~
5 ~~THAT REQUIRE THE ARREST OF A PERSON.~~

6 ~~(B) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS APPOINTED~~
7 ~~BY THE GOVERNOR:~~

8 ~~(1) ONE JUDGE OF THE CIRCUIT COURT;~~

9 ~~(2) ONE JUDGE OF THE DISTRICT COURT;~~

10 ~~(3) TWO CLERKS OF THE CIRCUIT COURTS;~~

11 ~~(4) ONE CLERK OF THE DISTRICT COURT;~~

12 ~~(5) ONE REPRESENTATIVE OF THE ADMINISTRATIVE OFFICE OF THE~~
13 ~~COURT;~~

14 ~~(6) ONE CHIEF OF POLICE;~~

15 ~~(7) ONE REPRESENTATIVE OF THE SHERIFF'S OFFICE; AND~~

16 ~~(8) ONE REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC SAFETY~~
17 ~~AND CORRECTIONAL SERVICES.~~

18 ~~(C) THE TASK FORCE SHALL EXAMINE THE CURRENT FORMS AND~~
19 ~~PROCEDURES IN EACH OF THE CIRCUIT COURTS CONCERNING BODY ATTACHMENT~~
20 ~~WARRANTS AND ANY OTHER DOCUMENTS REQUIRING THE ARREST OF A PERSON.~~
21 ~~THE TASK FORCE SHALL MAKE RECOMMENDATIONS TO THE COURT RULES~~
22 ~~COMMITTEE TO ADOPT STANDARD FORMS AND PROCEDURES.~~

23 ~~(D) THE GOVERNOR SHALL DESIGNATE THE CHAIRPERSON OF THE TASK~~
24 ~~FORCE.~~

25 ~~(E) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION.~~

26 ~~(F) THE TASK FORCE SHALL ISSUE A FINAL REPORT OF ITS FINDINGS AND~~
27 ~~RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1312 OF THE STATE~~
28 ~~GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 31,~~
29 ~~1997.~~

30 Article 27 - Crimes and Punishments

31 594D-1.

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

34 (1) THE FOLLOWING INFORMATION, IF KNOWN, RELATING TO THE
35 INDIVIDUAL FOR WHOM THE WARRANT IS ISSUED:

36 (i) FULL NAME AND LAST KNOWN ADDRESS;

3

- 1 (II) RACE;
- 2 (III) GENDER;
- 3 (IV) HEIGHT AND WEIGHT;
- 4 (V) HAIR AND EYE COLOR;
- 5 (VI) DRIVER'S LICENSE NUMBER;
- 6 (VII) SOCIAL SECURITY NUMBER;
- 7 (VIII) KNOWN DISTINGUISHING BODY MARKS OR SCARS; AND
- 8 (IX) ANY OTHER PERTINENT IDENTIFYING INFORMATION; AND

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

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

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

17 (1) THE CLERK OF THE CIRCUIT COURT;

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

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

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

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

25 (1) "ARREST WARRANT/STATE CAPIAS";

26 (2) "ARREST WARRANT/CONTEMPT";

27 (3) "ARREST WARRANT/CONTEMPT OF COURT"; OR

28 (4) "ARREST WARRANT/BODY ATTACHMENT".

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~June 1,~~
30 ~~1997~~ January 1, 1998.

20 (3) THE INDIVIDUAL FOR WHOM THE WARRANT IS ISSUE

