

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 172

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Criminal Causes - Pretrial Procedures -” and substitute “Arrest”; in the same line, after “Inspection” insert “- Public Information”; in line 3, after the second “of” insert “arrest”; in line 4, after “circumstances;” insert “providing for certain exceptions; making provisions of this Act severable; providing for the effective date of this Act;”; in line 4, after “to” insert “arrest”; strike in their entirety lines 5 through 9, inclusive, and substitute:

“BY adding to

Article - State Government

Section 10-616(q)

Annotated Code of Maryland

(1995 Replacement Volume and 1997 Supplement)”; and

strike in their entirety lines 12 through 17, inclusive, and substitute:

“Article - State Government

10-616.”.

AMENDMENT NO. 2

On page 1, in line 18, strike “(B)” and substitute “(Q)”; in the same line, after “(1)” insert “SUBJECT TO THE PROVISIONS OF PARAGRAPH (4) OF THIS SUBSECTION,”; in line 19, strike “A” and substitute “AN ARREST”; in line 20, after the second “THE” insert “ARREST”; in line 21, strike “SHALL” and substitute “MAY”; and in lines 22 and 24, in each instance, after “THE” insert “ARREST”.

AMENDMENT NO. 3

(Over)

On page 1, after line 24, insert:

“(2) SUBJECT TO THE PROVISIONS OF PARAGRAPH (4) OF THIS SUBSECTION, UNLESS OTHERWISE ORDERED BY THE COURT, FILES AND RECORDS OF THE COURT PERTAINING TO AN ARREST WARRANT ISSUED PURSUANT TO A GRAND JURY INDICTMENT OR CONSPIRACY INVESTIGATION AND THE CHARGING DOCUMENT UPON WHICH THE ARREST WARRANT WAS ISSUED MAY NOT BE OPEN TO INSPECTION UNTIL ALL ARREST WARRANTS FOR ANY COCONSPIRATORS HAVE BEEN SERVED AND ALL RETURNS OF SERVICE HAVE BEEN FILED IN COMPLIANCE WITH MARYLAND RULE 4-212(G).”.

AMENDMENT NO. 4

On page 1, in line 25, strike “(2)” and substitute:

“(3) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.”.

AMENDMENT NO. 5

On page 2, strike in their entirety lines 1 through 4, inclusive, and substitute:

“(4) THE PROVISIONS OF PARAGRAPHS (1) AND (2) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT:

(I) THE RELEASE OF STATISTICAL INFORMATION CONCERNING UNSERVED ARREST WARRANTS;

(II) THE RELEASE OF INFORMATION BY A STATE’S ATTORNEY OR PEACE OFFICER CONCERNING AN UNSERVED ARREST WARRANT AND THE CHARGING DOCUMENT UPON WHICH THE ARREST WARRANT WAS ISSUED; OR

(III) INSPECTION OF FILES AND RECORDS OF A COURT, PERTAINING TO AN UNSERVED ARREST WARRANT AND THE CHARGING DOCUMENT UPON WHICH THE ARREST WARRANT WAS ISSUED, BY:

1. A JUDICIAL OFFICER;

2. ANY AUTHORIZED COURT PERSONNEL;

3. A STATE'S ATTORNEY;

4. A PEACE OFFICER;

5. A CORRECTIONAL OFFICER WHO IS AUTHORIZED BY
LAW TO SERVE AN ARREST WARRANT;

6. A BAIL BONDSMAN, SURETY INSURER, OR SURETY WHO
EXECUTES BAIL BONDS WHO EXECUTED A BAIL BOND FOR THE INDIVIDUAL WHO IS
SUBJECT TO ARREST UNDER THE ARREST WARRANT;

7. AN ATTORNEY AUTHORIZED BY THE INDIVIDUAL WHO
IS SUBJECT TO ARREST UNDER THE ARREST WARRANT;

8. THE DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES OR THE DEPARTMENT OF JUVENILE JUSTICE FOR THE
PURPOSE OF NOTIFICATION OF A VICTIM UNDER THE PROVISIONS OF ARTICLE 27, §
788 OF THE CODE; OR

9. A FEDERAL, STATE, OR LOCAL CRIMINAL JUSTICE
AGENCY DESCRIBED UNDER ARTICLE 27, PART V (CRIMINAL JUSTICE INFORMATION
SYSTEM) OF THE CODE.

SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the
application thereof to any person or circumstance is held invalid for any reason in a court of
competent jurisdiction, the invalidity does not affect other provisions or any other application of this
Act which can be given effect without the invalid provision or application, and for this purpose the
provisions of this Act are declared severable."

AMENDMENT NO. 6

On page 2, in line 5, strike "2." and substitute "3."; and in line 6, strike "October 1" and
substitute "June 1".

(Over)