



1 WHEREAS, During Fiscal Year 1996, more than one-half of the 178,935  
2 individuals prosecuted ultimately had their criminal charges dismissed or steted,  
3 and were not convicted of any crime; and

4 WHEREAS, Representation by counsel at bail review hearings would identify  
5 individuals who are being held unnecessarily in pretrial detention, thus reducing  
6 detention center overcrowding and resulting in a safer and healthier environment for  
7 correctional officers and detainees; and

8 WHEREAS, Representation by counsel at bail review hearings would identify  
9 cases that could be resolved at the earliest stages of a criminal proceeding, thus  
10 reducing court congestion; and

11 WHEREAS, The immediate identification of cases for speedier resolution would  
12 permit prosecutors and appointed counsel to devote their limited resources to more  
13 serious crime; and

14 WHEREAS, Representation by counsel at bail review hearings would lead to  
15 cost savings that would more than offset the expense of providing counsel at the bail  
16 review stage; and

17 WHEREAS, The early provision of counsel would further the legal system's  
18 deeply rooted values of fairness and equal justice, and promote public confidence in  
19 the impartial administration of justice; now, therefore,

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

22 **Article 27A - Public Defender**

23 4.

24 (a) It shall be the primary duty of the Public Defender to provide legal  
25 representation for any indigent defendant eligible for services under this article.  
26 Legal representation may be provided by the Public Defender, or, subject to the  
27 supervision of the Public Defender, by his deputy, by district public defenders, by  
28 assistant public defenders, or by panel attorneys as hereinafter provided for.

29 (b) Legal representation shall be provided indigent defendants or parties in  
30 the following proceedings:

31 (1) Any criminal or juvenile proceeding constitutionally requiring the  
32 presence of counsel prior to presentment before a commissioner or judge;

33 (2) Criminal or juvenile proceedings, where the defendant is charged  
34 with a serious crime, before the District Court of Maryland, the various circuit courts  
35 within the State of Maryland, and the Court of Special Appeals;

1 (3) Postconviction proceedings under Article 27, Annotated Code of  
2 Maryland, when the defendant has a right to counsel pursuant to § 645A of that  
3 article;

4 (4) Any other proceeding where possible incarceration pursuant to a  
5 judicial commitment of individuals in institutions of a public or private nature may  
6 result; [and]

7 (5) An involuntary termination of parental rights proceeding or a  
8 hearing under § 5-319 of the Family Law Article, if the party is entitled to Public  
9 Defender representation under § 5-323 of the Family Law Article; AND

10 (6) ANY BAIL REVIEW HEARING UNDER MARYLAND RULE 4-216, WHEN A  
11 DEFENDANT HAS BEEN DENIED PRETRIAL RELEASE BY A COMMISSIONER.

12 (c) This article applies only to representation in or with respect to the courts  
13 of this State. It does not prohibit the Public Defender's Office from representing an  
14 indigent person in a federal court of the United States at federal expense, if the  
15 matter arises out of, or is related to, an action pending or recently pending in a court  
16 of criminal jurisdiction of this State. Any compensation paid by the federal court to  
17 the Public Defender, his deputy, district public defenders, or assistant public  
18 defenders shall be remitted to the general funds of the State.

19 (d) Representation by the Office of the Public Defender, or by an attorney  
20 appointed by the Office of the Public Defender, shall extend to all stages in the  
21 proceedings, including custody, interrogation, preliminary hearing, BAIL REVIEW  
22 HEARING, arraignment, trial, a hearing in an involuntary termination of parental  
23 rights proceeding, a hearing under § 5-319 of the Family Law Article, and appeal, if  
24 any, and shall continue until the final disposition of the cause, or until the assigned  
25 attorney is relieved by the Public Defender or by order of the court in which the cause  
26 is pending.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Office of the Public  
28 Defender shall report to the Senate Judicial Proceedings Committee and the House of  
29 Delegates Judiciary Committee of the General Assembly on or before December 1,  
30 2000, and every 2 years thereafter, in accordance with § 2-1246 of the State  
31 Government Article, on:

32 (i) how many individuals were provided counsel at bail review hearings;

33 (ii) how many individuals were released by release on recognizance, reduced  
34 bail, and bail posted prior to trial; and

35 (iii) the number of days it takes District Court cases to be completed as  
36 compared to the number of days it took for District Court cases to be completed before  
37 this Act took effect.

38 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
39 October 1, 1998.