

SENATE BILL 172

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1998 Regular Session
8lr6184
CF 8lr6185

By: **The President (Administration)**
Introduced and read first time: January 23, 1998
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 17, 1998

CHAPTER _____

1 AN ACT concerning

2 ~~Criminal Causes - Pretrial Procedures -~~ Arrest Warrant Inspection - Public
3 Information

4 FOR the purpose of prohibiting the inspection of arrest warrants under certain
5 circumstances; providing for certain exceptions; making provisions of this Act
6 severable; providing for the effective date of this Act; and generally relating to
7 arrest warrants.

8 ~~BY~~ ~~repealing and reenacting, with amendments,~~
9 ~~Article 27 - Crimes and Punishments~~
10 ~~Section 751~~
11 ~~Annotated Code of Maryland~~
12 ~~(1996 Replacement Volume and 1997 Supplement)~~

13 BY adding to
14 Article - State Government
15 Section 10-616(q)
16 Annotated Code of Maryland
17 1995 Replacement Volume and 1997 Supplement)

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

1 **Article 27— Crimes and Punishments**2 ~~751.~~

3 (a) Subject to the provisions of § 752 (f), a person may inspect criminal history
4 record information maintained by a criminal justice agency concerning him. A
5 person's attorney may inspect such information if he satisfactorily establishes his
6 identity and presents a written authorization from his client.

7 **Article - State Government**8 ~~10-616.~~

9 ~~(B)~~ (Q) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (4) OF THIS
10 SUBSECTION, UNLESS OTHERWISE ORDERED BY THE COURT, FILES AND RECORDS
11 OF THE COURT PERTAINING TO A AN ARREST WARRANT ISSUED PURSUANT TO
12 MARYLAND RULE 4-212(D)(1) OR (D)(2) AND THE CHARGING DOCUMENT UPON WHICH
13 THE ARREST WARRANT WAS ISSUED SHALL MAY NOT BE OPEN TO INSPECTION UNTIL
14 EITHER:

15 (I) THE ARREST WARRANT HAS BEEN SERVED AND A RETURN OF
16 SERVICE HAS BEEN FILED IN COMPLIANCE WITH MARYLAND RULE SECTION 4-212(G);
17 OR

18 (II) 90 DAYS HAVE ELAPSED SINCE THE ARREST WARRANT WAS ISSUED.

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

27 ~~(2)~~ (3) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (1) AND (2) OF
28 THIS SUBSECTION, UNLESS SEALED PURSUANT TO MARYLAND RULE 4-201(D), THE
29 FILES AND RECORDS SHALL BE OPEN TO INSPECTION.

30 ~~{(b)}~~ (C) ~~Nothing in this section requires a criminal justice agency to make a~~
31 ~~copy of any information or allows a person to remove any document for the purpose of~~
32 ~~making a copy of it. A person having the right of inspection may make notes of the~~
33 ~~information.~~

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

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

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

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

7 1. A JUDICIAL OFFICER;

8 2. ANY AUTHORIZED COURT PERSONNEL;

9 3. A STATE'S ATTORNEY;

10 4. A PEACE OFFICER;

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

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

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

18 8. THE DEPARTMENT OF PUBLIC SAFETY AND
19 CORRECTIONAL SERVICES OR THE DEPARTMENT OF JUVENILE JUSTICE FOR THE
20 PURPOSE OF NOTIFICATION OF A VICTIM UNDER THE PROVISIONS OF ARTICLE 27, §
21 788 OF THE CODE; OR

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

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

31 SECTION 2-3. AND BE IT FURTHER ENACTED, That this Act shall take
32 effect ~~October 1~~ June 1, 1998.

