Unofficial Copy E2 1999 Regular Session 9lr2055 CF 9lr0844

By: Delegates Valderrama and Vallario Introduced and read first time: February 11, 1999 Assigned to: Judiciary A BILL ENTITLED 1 AN ACT concerning 2 Courts and Judicial Proceedings - Charging Document - Emergency 3 **Services Personnel** 4 FOR the purpose of defining a certain term for purposes of certain provisions of law 5 relating to the filing of a charging document against certain emergency services 6 personnel; making technical corrections; and generally relating to the filing of a charging document against certain emergency services personnel. 7 BY repealing and reenacting, with amendments, 8 Article - Courts and Judicial Proceedings 10 Section 2-608 11 Annotated Code of Maryland (1998 Replacement Volume) 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 13 14 MARYLAND, That the Laws of Maryland read as follows: 15 **Article - Courts and Judicial Proceedings** 16 2-608. 17 In this section the following words have the meanings indicated. (a) (1) "Charging document" means a written accusation alleging that a 18 (2)19 defendant has committed an offense. 20 "Citation" means a charging document, other than an indictment, an

21 information, or a statement of charges, issued to a defendant by a peace officer or

24 aide at a public or private preschool, elementary, or secondary school.

"Educator" means a principal, vice-principal, teacher, or teacher's

"EMERGENCY SERVICES PERSONNEL" MEANS:

22 other person authorized by law to do so.

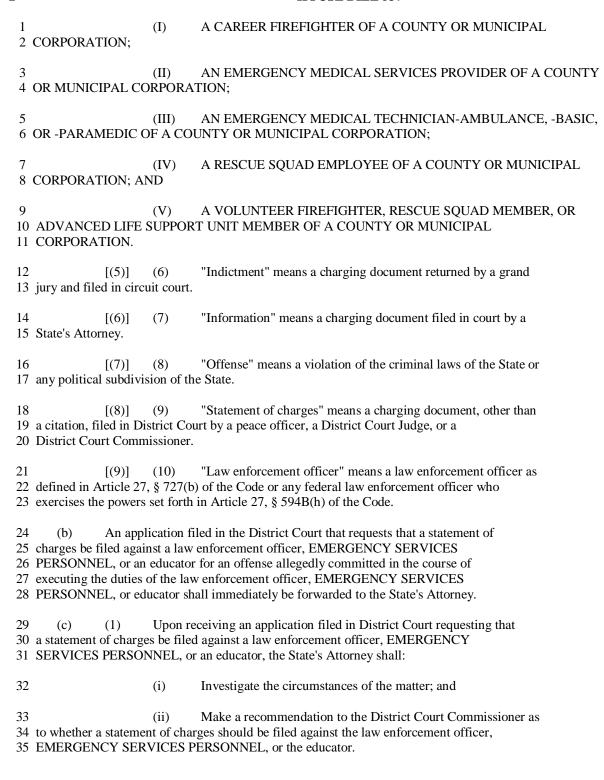
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- 1 (2) If the State's Attorney recommends to a District Court Commissioner
- 2 that a statement of charges be filed against a law enforcement officer, EMERGENCY
- 3 SERVICES PERSONNEL, or an educator, the State's Attorney shall also make a
- 4 recommendation as to whether a summons or warrant should issue.
- 5 (d) Notwithstanding any other provision of the Code or the Maryland Rules, a
- 6 statement of charges for an offense allegedly committed in the course of executing the
- 7 duties of the law enforcement officer, EMERGENCY SERVICES PERSONNEL, or the
- 8 educator may not be filed against a law enforcement officer, EMERGENCY SERVICES
- 9 PERSONNEL, or educator until the State's Attorney has investigated the
- 10 circumstances of the matter and made recommendations to the District Court
- 11 Commissioner in accordance with subsection (c) of this section.
- 12 (e) This section may not be construed to preclude the State's Attorney from
- 13 making a determination that an information should be filed against a law
- 14 enforcement officer, EMERGENCY SERVICES PERSONNEL, or an educator or that a
- 15 grand jury should be convened to determine whether an indictment should be filed.
- 16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 17 October 1, 1999.