
By: **Delegates Redmer, Ports, Klausmeier, Hammen, DeCarlo, and Minnick**
Introduced and read first time: February 12, 1999
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **District Court - Criminal Appeals - On the Record Hearings**

3 FOR the purpose of requiring that all criminal appeals from the District Court be
4 heard on the record made in the District Court rather than tried de novo;
5 requiring that an appeal of a case involving a municipal infraction or Code
6 violation from the District Court be heard on the record made in the District
7 Court rather than tried de novo; and generally relating to criminal appeals from
8 the District Court.

9 BY repealing

10 Article - Courts and Judicial Proceedings
11 Section 12-401(f)
12 Annotated Code of Maryland
13 (1998 Replacement Volume)

14 BY adding to

15 Article - Courts and Judicial Proceedings
16 Section 12-401(f)
17 Annotated Code of Maryland
18 (1998 Replacement Volume)

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

21 **Article - Courts and Judicial Proceedings**

22 12-401.

23 [(f) In a civil case in which the amount in controversy exceeds \$2,500 exclusive
24 of interest, costs, and attorney's fees if attorney's fees are recoverable by law or
25 contract, in any matter arising under § 4-401(7)(ii) of this article, and in any case in
26 which the parties so agree, an appeal shall be heard on the record made in the
27 District Court. In every other case, including a criminal case in which sentence has
28 been imposed or suspended following a plea of nolo contendere or guilty, and an

1 appeal in a municipal infraction or Code violation case, an appeal shall be tried de
2 novo.]

3 (F) AN APPEAL SHALL BE HEARD ON THE RECORD MADE IN THE DISTRICT
4 COURT:

5 (1) IN A CIVIL CASE IN WHICH THE AMOUNT IN CONTROVERSY EXCEEDS
6 \$2,500 EXCLUSIVE OF INTEREST, COSTS, AND ATTORNEY'S FEES IF ATTORNEY'S FEES
7 ARE RECOVERABLE BY LAW OR CONTRACT, IN ANY MATTER ARISING UNDER §
8 4-401(7)(II) OF THIS ARTICLE, AND IN ANY CASE IN WHICH THE PARTIES SO AGREE;
9 AND

10 (2) IN ALL CRIMINAL CASES, INCLUDING A CASE IN WHICH SENTENCE
11 HAS BEEN IMPOSED OR SUSPENDED FOLLOWING A PLEA OF NOLO CONTENDERE OR
12 GUILTY, AND A CASE INVOLVING A MUNICIPAL INFRACTION OR CODE VIOLATION.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 1999.