

SENATE BILL 301

Unofficial Copy
E2

1999 Regular Session
(9lr0844)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Miller, Stone, Mitchell, Forehand, Jimeno, Hughes,
Baker, and Green**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Courts and Judicial Proceedings Criminal Procedure - Charging Document**
3 **- Emergency 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~~ *adding certain emergency services personnel to those occupations for*
7 *which certain procedures concerning statements of charges apply to District*
8 *Court Commissioners and State's Attorneys under certain circumstances;*
9 *defining a certain term;* making technical corrections; and generally relating to
10 the filing of a charging document against certain emergency services personnel.

11 BY repealing and reenacting, with amendments,
12 Article - Courts and Judicial Proceedings
13 Section 2-608
14 Annotated Code of Maryland
15 (1998 Replacement Volume)

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

3 **Article - Courts and Judicial Proceedings**

4 2-608.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) "Charging document" means a written accusation alleging that a
7 defendant has committed an offense.

8 (3) "Citation" means a charging document, other than an indictment, an
9 information, or a statement of charges, issued to a defendant by a peace officer or
10 other person authorized by law to do so.

11 (4) "Educator" means a principal, vice-principal, teacher, or teacher's
12 aide at a public or private preschool, elementary, or secondary school.

13 (5) "EMERGENCY SERVICES PERSONNEL" MEANS:

14 (I) A CAREER FIREFIGHTER OF A COUNTY OR MUNICIPAL
15 CORPORATION;

16 (II) AN EMERGENCY MEDICAL SERVICES PROVIDER AS DEFINED IN
17 § 13-516 OF THE EDUCATION ARTICLE OF A COUNTY OR MUNICIPAL CORPORATION;

18 (III) ~~AN EMERGENCY MEDICAL TECHNICIAN AMBULANCE, BASIC,~~
19 ~~OR PARAMEDIC OF A COUNTY OR MUNICIPAL CORPORATION;~~

20 ~~(IV) A RESCUE SQUAD EMPLOYEE OF A COUNTY OR MUNICIPAL~~
21 ~~CORPORATION; AND~~

22 ~~(V) (IV) A MEMBER OF A VOLUNTEER FIRE, RESCUE, OR~~
23 ~~AMBULANCE COMPANY IN A COUNTY OR MUNICIPAL CORPORATION.~~

24 (IV) A VOLUNTEER FIREFIGHTER, RESCUE SQUAD MEMBER, OR
25 ADVANCED LIFE SUPPORT UNIT MEMBER OF A COUNTY OR MUNICIPAL
26 CORPORATION.

27 [(5)] (6) "Indictment" means a charging document returned by a grand
28 jury and filed in circuit court.

29 [(6)] (7) "Information" means a charging document filed in court by a
30 State's Attorney.

31 [(7)] (8) "Offense" means a violation of the criminal laws of the State or
32 any political subdivision of the State.

1 [(8)] (9) "Statement of charges" means a charging document, other than
2 a citation, filed in District Court by a peace officer, a District Court Judge, or a
3 District Court Commissioner.

4 [(9)] (10) "Law enforcement officer" means a law enforcement officer as
5 defined in Article 27, § 727(b) of the Code or any federal law enforcement officer who
6 exercises the powers set forth in Article 27, § 594B(h) of the Code.

7 (b) An application filed in the District Court that requests that a statement of
8 charges be filed against a law enforcement officer, EMERGENCY SERVICES
9 PERSONNEL, or an educator for an offense allegedly committed in the course of
10 executing the duties of the law enforcement officer, EMERGENCY SERVICES
11 PERSONNEL, or educator shall immediately be forwarded to the State's Attorney.

12 (c) (1) Upon receiving an application filed in District Court requesting that
13 a statement of charges be filed against a law enforcement officer, EMERGENCY
14 SERVICES PERSONNEL, or an educator, the State's Attorney shall:

15 (i) Investigate the circumstances of the matter; and

16 (ii) Make a recommendation to the District Court Commissioner as
17 to whether a statement of charges should be filed against the law enforcement officer,
18 EMERGENCY SERVICES PERSONNEL, or the educator.

19 (2) If the State's Attorney recommends to a District Court Commissioner
20 that a statement of charges be filed against a law enforcement officer, EMERGENCY
21 SERVICES PERSONNEL, or an educator, the State's Attorney shall also make a
22 recommendation as to whether a summons or warrant should issue.

23 (d) Notwithstanding any other provision of the Code or the Maryland Rules, a
24 statement of charges for an offense allegedly committed in the course of executing the
25 duties of the law enforcement officer, EMERGENCY SERVICES PERSONNEL, or the
26 educator may not be filed against a law enforcement officer, EMERGENCY SERVICES
27 PERSONNEL, or educator until the State's Attorney has investigated the
28 circumstances of the matter and made recommendations to the District Court
29 Commissioner in accordance with subsection (c) of this section.

30 (e) This section may not be construed to preclude the State's Attorney from
31 making a determination that an information should be filed against a law
32 enforcement officer, EMERGENCY SERVICES PERSONNEL, or an educator or that a
33 grand jury should be convened to determine whether an indictment should be filed.

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

