

SENATE BILL 301

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1999 Regular Session
9lr0844
CF 9lr2055

By: **Senators Miller, Stone, Mitchell, Forehand, Jimeno, Hughes, Baker, and Green**

Introduced and read first time: February 4, 1999
Assigned to: Judicial Proceedings

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
7 charging document against certain emergency services personnel.

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

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

15 **Article - Courts and Judicial Proceedings**

16 2-608.

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

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

20 (3) "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
22 other person authorized by law to do so.

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

25 (5) "EMERGENCY SERVICES PERSONNEL" MEANS:

1 (I) A CAREER FIREFIGHTER OF A COUNTY OR MUNICIPAL
2 CORPORATION;

3 (II) AN EMERGENCY MEDICAL SERVICES PROVIDER OF A COUNTY
4 OR MUNICIPAL CORPORATION;

5 (III) AN EMERGENCY MEDICAL TECHNICIAN-AMBULANCE, -BASIC,
6 OR -PARAMEDIC OF A COUNTY OR MUNICIPAL CORPORATION;

7 (IV) A RESCUE SQUAD EMPLOYEE OF A COUNTY OR MUNICIPAL
8 CORPORATION; AND

9 (V) A MEMBER OF A VOLUNTEER FIRE, RESCUE, OR AMBULANCE
10 COMPANY IN A COUNTY OR MUNICIPAL CORPORATION.

11 [(5)] (6) "Indictment" means a charging document returned by a grand
12 jury and filed in circuit court.

13 [(6)] (7) "Information" means a charging document filed in court by a
14 State's Attorney.

15 [(7)] (8) "Offense" means a violation of the criminal laws of the State or
16 any political subdivision of the State.

17 [(8)] (9) "Statement of charges" means a charging document, other than
18 a citation, filed in District Court by a peace officer, a District Court Judge, or a
19 District Court Commissioner.

20 [(9)] (10) "Law enforcement officer" means a law enforcement officer as
21 defined in Article 27, § 727(b) of the Code or any federal law enforcement officer who
22 exercises the powers set forth in Article 27, § 594B(h) of the Code.

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

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

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

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

35 (2) If the State's Attorney recommends to a District Court Commissioner
36 that a statement of charges be filed against a law enforcement officer, EMERGENCY

1 SERVICES PERSONNEL, or an educator, the State's Attorney shall also make a
2 recommendation as to whether a summons or warrant should issue.

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

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

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