

SENATE BILL 301

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1999 Regular Session  
9r0844  
CF 9r2055

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

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

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 24, 1999

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CHAPTER \_\_\_\_\_

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.

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

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

6 (5) "EMERGENCY SERVICES PERSONNEL" MEANS:

7 (I) A CAREER FIREFIGHTER OF A COUNTY OR MUNICIPAL  
 8 CORPORATION;

9 (II) AN EMERGENCY MEDICAL SERVICES PROVIDER OF A COUNTY  
 10 OR MUNICIPAL CORPORATION;

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

13 ~~(IV)~~ A RESCUE SQUAD EMPLOYEE OF A COUNTY OR MUNICIPAL  
 14 CORPORATION; AND

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

17 [(5)] (6) "Indictment" means a charging document returned by a grand  
 18 jury and filed in circuit court.

19 [(6)] (7) "Information" means a charging document filed in court by a  
 20 State's Attorney.

21 [(7)] (8) "Offense" means a violation of the criminal laws of the State or  
 22 any political subdivision of the State.

23 [(8)] (9) "Statement of charges" means a charging document, other than  
 24 a citation, filed in District Court by a peace officer, a District Court Judge, or a  
 25 District Court Commissioner.

26 [(9)] (10) "Law enforcement officer" means a law enforcement officer as  
 27 defined in Article 27, § 727(b) of the Code or any federal law enforcement officer who  
 28 exercises the powers set forth in Article 27, § 594B(h) of the Code.

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

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

1 (i) Investigate the circumstances of the matter; and  
2 (ii) Make a recommendation to the District Court Commissioner as  
3 to whether a statement of charges should be filed against the law enforcement officer,  
4 EMERGENCY SERVICES PERSONNEL, or the educator.

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

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

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

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