
By: **Delegates Grosfeld, Barkley, Petzold, and Dembrow**
Introduced and read first time: January 15, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Extradition - Fugitives from Justice - Bail Prohibited**

3 FOR the purpose of prohibiting a judge from admitting to bail by bond a person
4 charged with the commission of any crime in another state and with having fled
5 from justice; and generally relating to extradition procedures.

6 BY repealing and reenacting, with amendments,
7 Article - Criminal Procedure
8 Section 9-115, 9-116, and 9-117
9 Annotated Code of Maryland
10 (As enacted by Chapter ___ (S.B. 1) of the Acts of the General Assembly of 2001)

11 BY repealing
12 Article - Criminal Procedure
13 Section 9-118
14 Annotated Code of Maryland
15 (As enacted by Chapter ___ (S.B. 1) of the Acts of the General Assembly of 2001)

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

18 **Article - Criminal Procedure**

19 9-115.

20 If, from the examination before the judge or District Court commissioner, it
21 appears that the person held is the person charged with having committed the crime
22 alleged and, except in cases arising under § 9-106 of this title, that the person has
23 fled from justice, the judge or District Court commissioner must, by a warrant
24 reciting the accusation, commit the person to the local correctional facility for a term
25 specified in the warrant but not exceeding 30 days, as will enable the arrest of the
26 accused to be made under a warrant of the Governor on a requisition of the executive
27 authority of the state having jurisdiction of the crime[, unless the person gives bail as
28 provided in § 9-116 of this title or until the person is legally discharged].

1 9-116.

2 [(a) Except as provided in subsection (b) of this section, and unless the crime
3 with which the person arrested is charged is shown to be a crime punishable by death
4 or life imprisonment under the laws of the state in which it was committed, a judge in
5 this State may admit the person arrested to bail by bond, with sufficient sureties, and
6 in the sum the judge deems proper, conditioned for the person's appearance before the
7 judge at a time specified in the bond, and for the person's surrender, to be arrested
8 upon the warrant of the Governor of this State.

9 (b)] A judge may not admit a person to bail by bond under [subsection (a) of
10 this section for the first 10 days following the person's:

11 (1) arrest under or service with a Governor's warrant under this title; or

12 (2) signing a waiver of extradition proceedings under] this title.

13 9-117.

14 If the accused is not arrested under warrant of the Governor within the time
15 specified in the warrant [or bond], a judge or District Court commissioner may
16 discharge the accused or recommit the accused for a further period not to exceed 60
17 days[, or a judge or District Court commissioner may again take bail for the accused's
18 appearance and surrender, as provided in § 9-116 of this title, but within a period not
19 to exceed 60 days after the date of the new bond].

20 [9-118.

21 (a) If the accused is admitted to bail and fails to appear and surrender
22 according to the conditions of the bond, the judge or District Court commissioner by
23 proper order shall declare the bond forfeited and order the immediate arrest of the
24 accused without warrant if the accused is within this State.

25 (b) Recovery may be had on the bond in the name of the State as in the case of
26 other bonds given by the accused in criminal proceedings within this State.]

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect October 1, 2001.