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By: Delegates Hecht and Doory
Introduced and read first time: January 23, 2002
Assigned to: Judiciary

A BILL ENTITLED

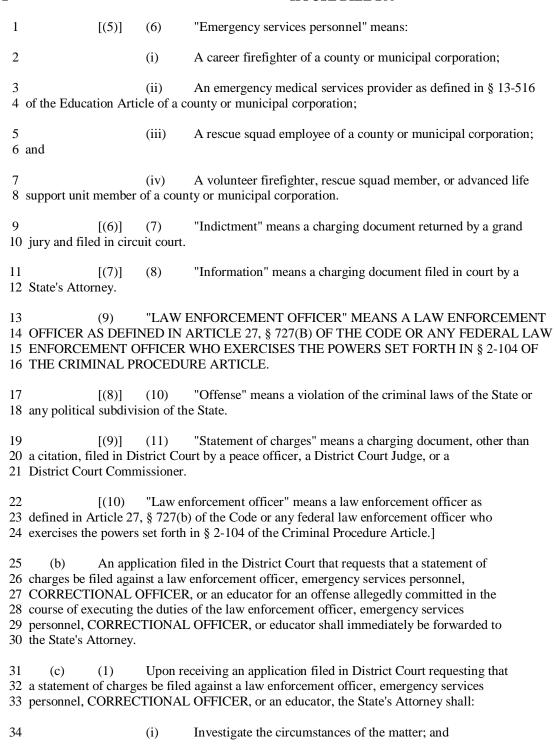
1 AN ACT concerning

2 Criminal Procedure - Charging Document - Correctional Officer

- 3 FOR the purpose of requiring that an application for a statement of charges against a
- 4 correctional officer be filed in a certain manner in District Court; requiring the
- 5 State's Attorney and a District Court Commissioner to take certain actions in
- 6 certain circumstances; defining a certain term; making stylistic changes; and
- 7 generally relating to the filing of a charging document against a certain
- 8 correctional officer.
- 9 BY repealing and reenacting, with amendments,
- 10 Article Courts and Judicial Proceedings
- 11 Section 2-608
- 12 Annotated Code of Maryland
- 13 (1998 Replacement Volume and 2001 Supplement)
- 14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 15 MARYLAND, That the Laws of Maryland read as follows:

16 Article - Courts and Judicial Proceedings

- 17 2-608.
- 18 (a) (1) In this section the following words have the meanings indicated.
- 19 "Charging document" means a written accusation alleging that a
- 20 defendant has committed an offense.
- 21 (3) "Citation" means a charging document, other than an indictment, an
- 22 information, or a statement of charges, issued to a defendant by a peace officer or
- 23 other person authorized by law to do so.
- 24 (4) "CORRECTIONAL OFFICER" MEANS A CORRECTIONAL OFFICER AS
- 25 DEFINED IN § 8-201(E) OF THE CORRECTIONAL SERVICES ARTICLE.
- 26 "Educator" means a principal, vice-principal, teacher, or teacher's
- 27 aide at a public or private preschool, elementary, or secondary school.



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- 1 (ii) Make a recommendation to the District Court Commissioner as
- 2 to whether a statement of charges should be filed against the law enforcement officer,
- 3 emergency services personnel, CORRECTIONAL OFFICER, or the educator.
- 4 (2) If the State's Attorney recommends to a District Court Commissioner
- 5 that a statement of charges be filed against a law enforcement officer, emergency
- 6 services personnel, CORRECTIONAL OFFICER, or an educator, the State's Attorney
- 7 shall also make a recommendation as to whether a summons or warrant should issue.
- 8 (d) Notwithstanding any other provision of the Code or the Maryland Rules, a
- 9 statement of charges for an offense allegedly committed in the course of executing the
- 10 duties of the law enforcement officer, emergency services personnel, CORRECTIONAL
- 11 OFFICER, or the educator may not be filed against a law enforcement officer,
- 12 emergency services personnel, CORRECTIONAL OFFICER, or educator until the State's
- 13 Attorney has investigated the circumstances of the matter and made
- 14 recommendations to the District Court Commissioner in accordance with subsection
- 15 (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, CORRECTIONAL OFFICER, or an
- 19 educator or that a grand jury should be convened to determine whether an indictment
- 20 should be filed.
- 21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 22 October 1, 2002.