

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 713

(Senator Colburn)

Judicial Proceedings

Criminal Procedure - Charging Document - Correctional Officer

This bill adds correctional officers to a list of officials for whom an application for charges against the official for an alleged offense committed in the course of the official's duties must immediately be forwarded to the State's Attorney. The State's Attorney must investigate and make recommendations to the District Court Commissioner as to whether such charges should be brought. The existing specified procedures for the State's Attorney's investigation and recommendations will apply to correctional officers in addition to the other officials (law enforcement officers, emergency services personnel, and educators).

Fiscal Summary

State Effect: None. It is expected that any shift in investigatory duties from District Court commissioners to State's Attorneys could be handled with existing resources.

Local Effect: None -- see above.

Small Business Effect: None.

Analysis

Current Law: It is the duty of the District Court commissioner to receive all applications for charges filed in the District Court of Maryland. The District Court commissioner generally must conduct investigations and inquiries into the circumstances of any matter presented and determine if probable cause exists to issue a charging

document, arrest warrant, or criminal summons (paper requiring a person to appear in court on a specific date).

However, when an application for charges filed in District Court requests that charges be brought against a law enforcement officer, emergency services personnel, or an educator for an alleged offense committed in the course of the official's duties, it must immediately be forwarded to the State's Attorney to investigate and make recommendations to the District Court commissioner as to whether such charges should be brought. If, after investigation, the State's Attorney recommends that a statement of charges be filed against one of these officials, the State's Attorney must also recommend whether a summons or warrant should issue. Charges may not be filed against one of these officials for an offense allegedly committed in the course of the official's duties until the State's Attorney has made its investigation and recommendations. This law does not preclude a State's Attorney from initiating proceedings against one of these officials by information or indictment.

Additional Information

Prior Introductions: None.

Cross File: HB 260 (Delegates Hecht and Doory) – Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), State's Attorneys' Association, Department of Public Safety and Correctional Services, Department of Legislative Services

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