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Dry Conoton Colleges

By: Senator Colburn

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

1 AN ACT concerning

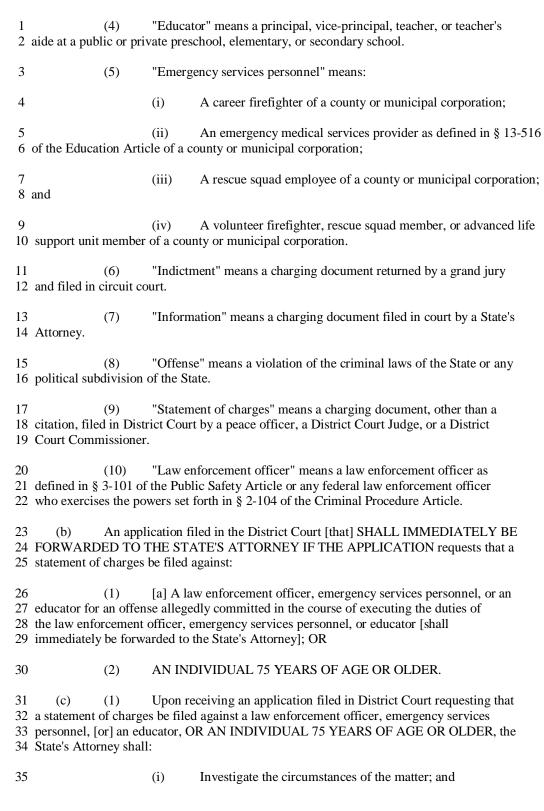
A BILL ENTITLED

2	Criminal Procedure - Charging Document - Individuals 75 Years of Age or
3	Older

- 4 FOR the purpose of adding individuals 75 years of age or older to those categories of
- 5 persons for which certain procedures concerning statements of charges involve
- 6 District Court Commissioners and State's Attorneys under certain
- 7 circumstances; requiring that certain applications be forwarded immediately to
- 8 the State's Attorney under certain circumstances; requiring the State's Attorney
- 9 to make a certain investigation and make a certain recommendation under
- 10 certain circumstances; prohibiting a certain statement of charges from being
- filed until a certain investigation has taken place; making technical corrections;
- and generally relating to the filing of a charging document against certain
- individuals 75 years of age or older.
- 14 BY repealing and reenacting, with amendments,
- 15 Article Courts and Judicial Proceedings
- 16 Section 2-608
- 17 Annotated Code of Maryland
- 18 (2002 Replacement Volume and 2003 Supplement)
- 19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 20 MARYLAND, That the Laws of Maryland read as follows:

21 Article - Courts and Judicial Proceedings

- 22 2-608.
- 23 (a) (1) In this section the following words have the meanings indicated.
- 24 (2) "Charging document" means a written accusation alleging that a
- 25 defendant has committed an offense.
- 26 "Citation" means a charging document, other than an indictment, an
- 27 information, or a statement of charges, issued to a defendant by a peace officer or
- 28 other person authorized by law to do so.



SENATE BILL 665

- 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, [or] the educator, OR THE INDIVIDUAL 75 YEARS OF
- 4 AGE OR OLDER.
- 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, OR AN INDIVIDUAL 75 YEARS OF AGE OR OLDER,
- 8 the State's Attorney shall also make a recommendation as to whether a summons or
- 9 warrant should issue.
- 10 (d) Notwithstanding any other provision of the Code or the Maryland Rules[,
- 11 al:
- 12 (1) A statement of charges for an offense allegedly committed in the
- 13 course of executing the duties of the law enforcement officer, emergency services
- 14 personnel, or the educator may not be filed against a law enforcement officer,
- 15 emergency services personnel, or educator until the State's Attorney has investigated
- 16 the circumstances of the matter and made recommendations to the District Court
- 17 Commissioner in accordance with subsection (c) of this section; AND
- 18 (2) A STATEMENT OF CHARGES FOR AN OFFENSE ALLEGEDLY
- 19 COMMITTED BY AN INDIVIDUAL 75 YEARS OF AGE OR OLDER MAY NOT BE FILED
- 20 AGAINST THE INDIVIDUAL 75 YEARS OF AGE OR OLDER UNTIL THE STATE'S
- 21 ATTORNEY HAS INVESTIGATED THE CIRCUMSTANCES OF THE MATTER, WHICH MAY
- 22 INCLUDE CONSIDERATION OF THE AGE AND HEALTH OF THE INDIVIDUAL, AND
- 23 MADE RECOMMENDATIONS TO THE DISTRICT COURT COMMISSIONER IN
- 24 ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.
- 25 (e) This section may not be construed to preclude the State's Attorney from
- 26 making a determination that an information should be filed against a law
- 27 enforcement officer, emergency services personnel, [or] an educator, OR AN
- 28 INDIVIDUAL 75 YEARS OF AGE OR OLDER or that a grand jury should be convened to
- 29 determine whether an indictment should be filed.
- 30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 31 October 1, 2004.