

Department of Legislative Services  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

Senate Bill 665 (Senator Colburn)  
Judicial Proceedings

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

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This bill provides that a statement of charges for an offense allegedly committed by an individual 75 years of age or older may not be filed until the State's Attorney has investigated the circumstances of the matter, which may include consideration of the age and health of the individual, and made recommendations to the District Court Commissioner. If the State's Attorney recommends that a statement of charges be filed, the State's Attorney shall also make a recommendation as to whether a summons or a warrant should be issued.

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**Fiscal Summary**

**State Effect:** Minimal increase in general fund expenditures by the District Court could be handled with existing resources. The number of people covered by this new requirement is expected to be small.

**Local Effect:** Minimal increase in expenditures by State's Attorney's offices could be handled with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The procedures in this bill are followed when an application is filed requesting that a statement of charges be filed against a law enforcement officer, emergency services personnel, or an educator for an offense allegedly committed in the

course of executing the duties of the law enforcement officer, emergency services personnel, or educator.

A criminal summons orders the defendant to appear before a judge at a stated time and place. The summons may be served in person or by mail, and no arrest is made. Unless the defendant is already in custody, a warrant is served by the arrest of the defendant.

The bill does not preclude a State's Attorney from making a determination that an information should be filed against an individual 75 years or older, or that a grand jury should be convened to determine whether an indictment should be filed.

**Background:** The 2002 Uniform Crime Report, *Crime in Maryland*, indicates that in 2002, adults aged 65 and over constituted 1,896 of 311,891 total arrests, or 0.6%. There is no breakdown for arrests of those aged 75 or over.

**State Expenditures:** A person charged with a crime is brought before a District Court judge or commissioner, who determines whether there is probable cause to believe that the defendant committed the crime and, if so, whether the defendant should be detained or released pending trial. If the defendant is released, the court sets the terms and conditions of the release. While the bill would add the additional step of referring charges involving elderly defendants to a State's Attorney's office for review, this could be handled with existing resources, given the small number of covered cases.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 4, 2004  
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