

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 238 (Chairman, Judiciary Committee)
(By Request – Maryland Judicial Conference)

Judiciary

District Court - Violation of Probation - Notice or Warrant

This bill repeals a requirement that the District Court issue a warrant or give notice of a hearing on a violation of probation during the period of probation only.

Fiscal Summary

State Effect: The bill's changes would not significantly affect the operations or finances of the District Court. Any potential additional warrants or notices could be handled with existing budgeted resources.

Local Effect: None. Any potential additional service of warrants would be minimal and could be handled with the existing budgeted resources of local law enforcement units.

Small Business Effect: None.

Analysis

Current Law: The District Court has the power to end a period of probation at any time. During the period of probation, on written charges under oath or on violation of a condition of probation, the District Court may issue a warrant or notice requiring the probationer or defendant to be brought or appear before the judge issuing the warrant or notice: (1) to answer the charge of violation of conditions of probation or of suspension of sentence; and (2) to be present for the setting of a hearing date for that charge.

Background: The Maryland Judicial Conference has recommended this change in statute and believes the bill would eliminate confusion by allowing the District Court to issue a warrant or give notice of a violation of probation within a reasonable time frame rather than during the period of probation. According to the District Court, this bill would make District Court rules consistent with the rules for the circuit courts and with a Court of Appeals decision that a violation of probation hearing may be initiated after the initiation of a probation if the incident occurred before the end of the probation.

Additional Information

Prior Introductions: None.

Cross File: SB 141 (Chairman, Judicial Proceedings Committee) (By Request – Maryland Judicial Conference) – Judicial Proceedings.

Information Source(s): Judiciary (District Court, Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2006
ncs/jr

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