

HOUSE BILL 1112

L1

71r2523

By: **Allegany County Delegation**

Introduced and read first time: February 15, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Allegany County – Civil Infractions – Appearance in Court**

3 FOR the purpose of providing that, in Allegany County, the presence of the State's
4 Attorney is not required at a trial for a civil infraction if a certain official who
5 issued the citation for the civil infraction is present on behalf of the county; and
6 generally relating to the enforcement of civil citations in Allegany County.

7 BY repealing and reenacting, with amendments,
8 Article 25B – Home Rule for Code Counties
9 Section 13C(o)
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2006 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article 25B – Home Rule for Code Counties**

15 13C.

16 (o) (1) In a proceeding for a civil infraction:

17 (i) Subject to the provisions of [paragraph (2)] **PARAGRAPHS**
18 **(2) AND (3)** of this subsection, the State's Attorney for a county shall prosecute the
19 civil infraction in the same manner as a violation of the criminal laws of this State;
20 and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) The State's Attorney may enter a nolle prosequi or place the
2 case on the stet docket in the same manner as is now prescribed by law or rule for
3 violation of the criminal laws of this State.

4 (2) (i) Subject to the approval of the county commissioners, the
5 State's Attorney for a county may designate in writing the county attorney or any
6 assistant county attorney in a county to exercise the power to prosecute civil
7 infractions.

8 (ii) Upon a designation described under this paragraph of the
9 county attorney or any assistant county attorney, the designated county attorney or
10 assistant county attorney shall have, and be authorized to exercise, the power and
11 authority of the State's Attorney with respect to the prosecution of a civil infraction.

12 **(3) IN ALLEGANY COUNTY, THE PRESENCE OF THE STATE'S**
13 **ATTORNEY FOR THE COUNTY IS NOT REQUIRED AT A TRIAL FOR A CIVIL**
14 **INFRACTION IF THE OFFICIAL WHO ISSUED THE CITATION FOR THE CIVIL**
15 **INFRACTION IS PRESENT AT THE TRIAL ON BEHALF OF THE COUNTY.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2007.