

SENATE BILL 10

E2

8lr0775

(PRE-FILED)

By: **The President (By Request - Department of Legislative Services - Code Revision)**

Requested: September 26, 2007

Introduced and read first time: January 9, 2008

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure Article Additions - Cross-References and Corrections**

3 FOR the purpose of correcting certain cross-references to new Title 15 and new Title
4 16 of the Criminal Procedure Article of the Annotated Code of Maryland that
5 revise provisions of law that relate to the Office of the State Prosecutor, the
6 Office of the State's Attorney, and the Office of the Public Defender,
7 respectively; and generally relating to new Titles 15 and 16 of the Criminal
8 Procedure Article and cross-references to them.

9 BY repealing and reenacting, with amendments,
10 Article - Correctional Services
11 Section 6-113
12 Annotated Code of Maryland
13 (1999 Volume and 2007 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Courts and Judicial Proceedings
16 Section 3-8A-20(e)(3)(ii) and 10-4A-04(c)(2)(ii)1.
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2007 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Criminal Procedure
21 Section 8-103(b)(3) and 11-903
22 Annotated Code of Maryland
23 (2001 Volume and 2007 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 1–302(d)(2), 9–268.1(b)(2), and 9–344(b)
2 Annotated Code of Maryland
3 (2007 Replacement Volume and 2007 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Family Law
6 Section 5–307(a)(1)
7 Annotated Code of Maryland
8 (2006 Replacement Volume and 2007 Supplement)

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

11 **Article – Correctional Services**

12 6–113.

13 The Division and the Division of Correction shall keep the report submitted
14 under [Article 10, § 40A] § **15–105 OF THE CRIMINAL PROCEDURE ARTICLE** on file so
15 that each unit has an abstract of each case for which application for parole may be
16 made under this article.

17 **Article – Courts and Judicial Proceedings**

18 3–8A–20.

19 (e) (3) (ii) After entry of its appearance, the Office of the Public
20 Defender shall verify eligibility for continued public defender representation in
21 accordance with [Article 27A, § 7 of the Code] § **16–210 OF THE CRIMINAL PROCEDURE**
22 **ARTICLE** and the Maryland Rules.

23 10–4A–04.

24 (c) (2) (ii) A provider of electronic communications service or remote
25 computing service shall disclose a record or other information pertaining to a
26 subscriber to or a customer of the service to an investigative or law enforcement officer
27 only if the officer:

28 1. Uses a subpoena issued by a court of competent
29 jurisdiction, a State grand jury subpoena, or a subpoena authorized under [Article 10,
30 § 39A of the Code] § **15–108 OF THE CRIMINAL PROCEDURE ARTICLE**;

31 **Article – Criminal Procedure**

32 8–103.

33 (b) The counsel representing a person for a sentence review may be:

1 (3) provided under [Article 27A of the Code] **TITLE 16 OF THIS**
2 **ARTICLE.**
3 11-903.

4 The State's Attorneys' Coordinator shall carry out the Program in accordance
5 with regulations that the State's Attorneys' Coordination Council adopts under
6 [Article 10, § 41D of the Code] **§ 15-205 OF THIS ARTICLE.**

7 **Article - Environment**

8 1-302.

9 (d) (2) The provisions of this section may not limit or affect the power or
10 authority of [the State's Attorney for each county and the City of Baltimore under
11 Article 10, § 34 of the Code] **STATE'S ATTORNEYS UNDER § 15-102 OF THE CRIMINAL**
12 **PROCEDURE ARTICLE.**

13 9-268.1.

14 (b) (2) This subsection may not limit or affect the power of [the State's
15 Attorney for a county under Article 10, § 34 of the Code] **STATE'S ATTORNEYS UNDER §**
16 **15-102 OF THE CRIMINAL PROCEDURE ARTICLE.**

17 9-344.

18 (b) The provisions of this section may not limit or affect the power or
19 authority of [the State's Attorney for each county and the City of Baltimore under
20 Article 10, § 34 of the Code] **STATE'S ATTORNEYS UNDER § 15-102 OF THE CRIMINAL**
21 **PROCEDURE ARTICLE.**

22 **Article - Family Law**

23 5-307.

24 (a) (1) Unless the public defender is required under [Article 27A, § 4 of
25 the Code] **§ 16-204 OF THE CRIMINAL PROCEDURE ARTICLE** to provide representation,
26 in a case under Part II or Part III of this subtitle, a juvenile court shall appoint an
27 attorney to represent a parent who:

28 (i) has a disability that makes the parent incapable of
29 effectively participating in the case; or

30 (ii) when a petition for guardianship or adoption is filed or
31 consent to guardianship or adoption is given, is a minor.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2008.