

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

Committee Report: Favorable

Senate action: Adopted

Read second time: March 12, 2008

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2001 Volume and 2007 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Environment
5 Section 1–302(d)(2), 9–268.1(b)(2), and 9–344(b)
6 Annotated Code of Maryland
7 (2007 Replacement Volume and 2007 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Family Law
10 Section 5–307(a)(1)
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2007 Supplement)

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

15 **Article – Correctional Services**

16 6–113.

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

21 **Article – Courts and Judicial Proceedings**

22 3–8A–20.

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

27 10–4A–04.

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

32 1. Uses a subpoena issued by a court of competent
33 jurisdiction, a State grand jury subpoena, or a subpoena authorized under [Article 10,
34 § 39A of the Code] § **15–108 OF THE CRIMINAL PROCEDURE ARTICLE**;

1 **Article – Criminal Procedure**

2 8–103.

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

4 (3) provided under [Article 27A of the Code] **TITLE 16 OF THIS**
 5 **ARTICLE.**

6 11–903.

7 The State’s Attorneys’ Coordinator shall carry out the Program in accordance
 8 with regulations that the State’s Attorneys’ Coordination Council adopts under
 9 [Article 10, § 41D of the Code] **§ 15–205 OF THIS ARTICLE.**

10 **Article – Environment**

11 1–302.

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

16 9–268.1.

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

20 9–344.

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

25 **Article – Family Law**

26 5–307.

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.