

CHAPTER 13

(Senate Bill 10)

AN ACT concerning

Criminal Procedure Article Additions – Cross-References and Corrections

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

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 6–113
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

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

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 8–103(b)(3) and 11–903
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

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

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

Article – Correctional Services

6–113.

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

Article – Courts and Judicial Proceedings

3–8A–20.

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

10–4A–04.

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

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

Article – Criminal Procedure

8–103.

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

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

11–903.

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

Article - Environment

1-302.

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

9-268.1.

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

9-344.

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

Article - Family Law

5-307.

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

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

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

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

Approved by the Governor, April 8, 2008.