

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 37

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

Judicial Proceedings

Judiciary

Criminal Procedure Article Additions

This code revision bill adds three new titles to the Criminal Procedure Article of the Annotated Code of Maryland, to be designated and known as “Title 14. Office of the State Prosecutor,” “Title 15. Office of the State’s Attorney,” and “Title 16. Office of the Public Defender.”

Fiscal Summary

State Effect: None. The bill’s provisions are intended as nonsubstantive revisions, restatements, and recodifications of existing provisions and there is no fiscal impact.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill revises, restates, and recodifies specified provisions applicable to the Office of the State Prosecutor including laws concerning the establishment of the office; the eligibility of individuals to be nominated and appointed to be the State Prosecutor; the establishment and membership of the State Prosecutor Selection and Disabilities Commission; the filling of vacancies in the office; the reprimand or removal of the State Prosecutor; the general powers and duties of the State Prosecutor; investigations, reports, and prosecutions of the office; the budget and staff of the office; and meetings with the Attorney General and State’s Attorneys.

The bill revises, restates, and recodifies specified provisions applicable to the Office of the State's Attorney including laws concerning the duties of the State's Attorney; the subpoena power in a criminal investigation and the appointment of an interim State's Attorney; the establishment of the State's Attorneys' Coordination Council; the establishment of the Office of the State's Attorneys' Coordinator; the duties of the coordinator; and the salary, expenses, staffing, and other matters regarding the State's Attorneys for each county.

The bill revises, restates, and recodifies specified provisions applicable to the Office of the Public Defender including laws concerning the establishment of the Office of the Public Defender, office personnel, representation of indigent individuals, termination of representation, representation in federal court, duties and powers of the Public Defender, panel attorneys, privileged communications, eligibility for services, reimbursement for services, liens, the Board of Trustees of the Office of the Public Defender, regional advisory boards, reports of the Public Defender, and appropriations.

Except as expressly provided in the bill, the bill's provisions must be construed as a nonsubstantive revision and may not otherwise be construed to render any substantive change in State law. The catchlines, captions, Revisor's Notes, Special Revisor's Notes, and General Revisor's Notes are not law and may not be considered to have been enacted as a part of this bill.

Nothing in the bill affects the term of office of an appointed or elected member of any commission, office, department, agency, or other unit. An individual who is a member of a unit on the bill's October 1, 2008 effective date remains a member for the balance of the term to which appointed or elected, unless the member dies, resigns, or is legally removed before that date.

Except as expressly provided to the contrary under the bill, any transaction or employment status affected by or flowing from any change of nomenclature or any statute amended, repealed, or transferred under the bill and validly entered into or existing before the bill's effective date and every right, duty, or interest flowing from a statute amended, repealed, or transferred remains valid after the bill's effective date and may be terminated, completed, consummated, or enforced as required or allowed by any statute amended, repealed, or transferred under the bill as though such an action had not occurred. If a change in nomenclature involves a change in name or designation of any State unit, the successor unit will be considered in all respects as having the powers and obligations granted the former unit.

The continuity of every commission, office, department, agency, or other unit is retained. The personnel, records, files, furniture, fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of each retained unit are continued as the personnel, records, files, furniture, fixtures, properties, appropriations, credits, assets, liabilities, and obligations of the unit under the bill's provisions. Except as expressly provided to the contrary under the bill, any person licensed, registered, certified, or issued a permit or certificate by any commission, office, department, agency, or other unit established or continued by any statute amended, repealed, or transferred under the bill is considered for all purposes to be licensed, registered, certified, or issued a permit or certificate by the appropriate unit continued for the duration of its term and may renew that authorization in accordance with the appropriate renewal provisions.

The bill does not rescind, supersede, change, or modify any rule adopted by the Court of Appeals that is or was in effect on the bill's effective date concerning the practice and procedure in and the administration of the appellate courts and the other courts of this State.

The publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, is required to correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect under the bill or by any other Act of the General Assembly of 2008 that affects provisions enacted under the bill. The publisher must adequately describe any such correction in an editor's note following the affected section.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - January 10, 2008
ncs/jr

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