

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 398

(Senator Raskin, *et al.*)

Judicial Proceedings

Courts - County Administrative Judge - Responsibilities

This bill specifies that it is the responsibility of the county administrative judge or that judge's designee to set a trial date for a criminal matter in the circuit court within specified timeframes. The bill authorizes a county administrative judge to delegate to any judge, committee of judges, or officer or employee of the Judicial Branch of State government any of the administrative responsibilities, duties, and functions of the county administrative judge.

Fiscal Summary

State Effect: None. The bill clarifies current law and codifies a provision in the Maryland Rules.

Local Effect: None. The bill clarifies current law and codifies a provision in the Maryland Rules.

Small Business Effect: None.

Analysis

Current Law: The trial date for a criminal matter in the circuit court must be set within 30 days after the earlier of: (1) the appearance of counsel; or (2) the first appearance of the defendant before the circuit court, as provided in the Maryland Rules. The trial date may not be later than 180 days after the earlier of these events. On a showing of good cause, the county administrative judge or that judge's designee may grant a change of the trial date in a circuit court on the circuit court's initiative or on motion of a party. If a circuit court trial date is changed under these circumstances, any subsequent changes to

the trial date may only be made by the county administrative judge or that judge's designee on a showing of good cause. The Court of Appeals is permitted to adopt rules to implement these provisions.

County administrative judges are appointed by the Chief Judge of the Court of Appeals after considering the recommendation of the circuit administrative judge. The duties of a county administrative judge include: (1) the supervision of all judges, officers, and employees of the court; (2) preparation of the court's budget; and (3) the supervision and expeditious disposition of court cases and control of the trial calendar. (*See* Maryland Rule 16-101.)

Maryland Rule 16-101 also authorizes a county administrative judge to delegate to any judge, committee of judges, or judicial officer or employee any of the administrative responsibilities, duties, and functions of the county administrative judge. Rule 16-101 specifies that in the implementation of § 6-103 of the Criminal Procedure Article, a county administrative judge may authorize: (1) with the approval of the Chief Judge of the Court of Appeals, one or more judges to postpone criminal cases on appeal from the District Court or transferred from the District Court due to a demand for jury trial, and (2) not more than one judge at a time to postpone all other criminal cases.

Additional Information

Prior Introductions: None.

Cross File: HB 208 (Delegate Schuler, *et al.*) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

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ncs/kdm

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510