

HB1232/123729/1

BY: Delegate Cardin

AMENDMENTS TO HOUSE BILL 1232, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after “Procedure” insert “- Representation at Initial Appearances”; in line 18, after “system;” insert “requiring certain representation to be provided to an indigent defendant at an initial appearance before a District Court commissioner; providing that for purposes of a certain initial appearance representation may be provided by certain persons; requiring the Office of the Public Defender to coordinate the assignment of certain persons who provide certain representation; establishing the intent of the General Assembly that the Pro Bono Resource Center of Maryland include certain representation among the services provided by the Center; establishing that, unless otherwise provided for in the State budget, certain costs of paying panel attorneys for certain purposes be divided equally between the State and certain counties;”.

On page 2 of the bill, in line 13, after “to” insert “representation at initial appearances,”; and after line 24, insert:

“BY repealing and reenacting, with amendments,

Article - Criminal Procedure

Section 16-204

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)”.

AMENDMENT NO. 2

On page 7 of the bill, after line 11, insert:

“Article – Criminal Procedure

16–204.

(Over)

(a) **(1) [Representation] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, REPRESENTATION of an indigent individual may be provided in accordance with this title by the Public Defender or, subject to the supervision of the Public Defender, by the deputy public defender, district public defenders, assistant public defenders, or panel attorneys.**

(2) (I) FOR PURPOSES OF AN INITIAL APPEARANCE BEFORE A DISTRICT COURT COMMISSIONER, REPRESENTATION MAY BE PROVIDED, SUBJECT TO THE SUPERVISION OF THE PUBLIC DEFENDER, BY:

- 1. PANEL ATTORNEYS;**
- 2. PRO BONO ATTORNEYS; OR**
- 3. THIRD YEAR LAW STUDENTS ACTING UNDER RULE 16 OF THE RULES GOVERNING ADMISSION TO THE BAR OF MARYLAND.**

(II) IF THE INDIVIDUALS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH ARE NOT AVAILABLE TO REPRESENT A DEFENDANT AT AN INITIAL APPEARANCE BEFORE A DISTRICT COURT COMMISSIONER, REPRESENTATION MAY BE PROVIDED BY AN ATTORNEY IN THE OFFICE.

(3) THE OFFICE SHALL COORDINATE THE ASSIGNMENT OF PERSONS TO REPRESENT INDIGENT DEFENDANTS UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(b) **(1) Indigent defendants or parties shall be provided representation under this title in:**

(i) a criminal or juvenile proceeding in which a defendant or party is alleged to have committed a serious offense;

(ii) a criminal or juvenile proceeding in which an attorney is constitutionally required to be present prior to presentment being made before a commissioner or judge;

(iii) a postconviction proceeding for which the defendant has a right to an attorney under Title 7 of this article;

(iv) any other proceeding in which confinement under a judicial commitment of an individual in a public or private institution may result;

(v) a proceeding involving children in need of assistance under § 3–813 of the Courts Article; or

(vi) a family law proceeding under Title 5, Subtitle 3, Part II or Part III of the Family Law Article, including:

1. for a parent, a hearing in connection with guardianship or adoption;

2. a hearing under § 5–326 of the Family Law Article for which the parent has not waived the right to notice; and

3. an appeal.

(2) [(i) Except as provided in subparagraph (ii) of this paragraph, representation] REPRESENTATION shall be provided to an indigent individual in all stages of a proceeding listed in paragraph (1) of this subsection, including, in criminal proceedings, custody, interrogation, INITIAL APPEARANCE BEFORE A DISTRICT

COURT COMMISSIONER, bail hearing before a District Court or circuit court judge, preliminary hearing, arraignment, trial, and appeal.

[(ii) Representation is not required to be provided to an indigent individual at an initial appearance before a District Court commissioner.]”.

AMENDMENT NO. 3

On page 22 of the bill, before line 27, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Pro Bono Resource Center of Maryland shall include the representation of indigent defendants at an initial appearance before a District Court commissioner among the services that are provided by the Center.

SECTION 7. AND BE IT FURTHER ENACTED, That, unless provided for in a different manner in the State budget, the costs of paying panel attorneys to provide representation to indigent defendants at an initial appearance before a District Court commissioner as required by Section 1 of this Act shall be divided equally between the State and the county in which the panel attorney provides the representation.”.

AMENDMENT NO. 4

On page 8 of the House Judiciary Committee Amendments (HB1232/192511/3), in Amendment No. 3, in lines 18, 19, and 20, strike “6.”, “7.”, and “6”, respectively, and substitute “8.”, “9.”, and “8”, respectively.