

SENATE BILL 1114

E2

CONSTITUTIONAL AMENDMENT

4r3415

CF 4r3411

By: **Senators Zirkin, Brochin, Feldman, Hershey, Jennings, and Shank**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 19, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Initial Appearance and Representation by the Office of**
3 **the Public Defender**

4 FOR the purpose of proposing an amendment to the Maryland Constitution
5 establishing that a certain constitutional provision may not be construed to
6 require the Office of the Public Defender to represent a defendant at an initial
7 appearance before a District Court commissioner; submitting this amendment
8 to the qualified voters of the State for their adoption or rejection; and generally
9 relating to initial appearances and representation by the Office of the Public
10 Defender.

11 BY proposing an amendment to the Maryland Constitution
12 Declaration of Rights
13 Article 21

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
16 concurring), That it be proposed that the Maryland Constitution read as follows:

17 **Declaration of Rights**

18 21.

19 (A) That in all criminal prosecutions, every man hath a right to be informed
20 of the accusation against him; to have a copy of the Indictment, or charge, in due time
21 (if required) to prepare for his defence; to be allowed counsel; to be confronted with the
22 witnesses against him; to have process for his witnesses; to examine the witnesses for

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 and against him on oath; and to a speedy trial by an impartial jury, without whose
2 unanimous consent he ought not to be found guilty.

3 **(B) THIS ARTICLE MAY NOT BE CONSTRUED TO REQUIRE THE OFFICE**
4 **OF THE PUBLIC DEFENDER TO REPRESENT A DEFENDANT AT AN INITIAL**
5 **APPEARANCE BEFORE A DISTRICT COURT COMMISSIONER.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
7 determines that the amendment to the Maryland Constitution proposed by this Act
8 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
9 Maryland Constitution concerning local approval of constitutional amendments do not
10 apply.

11 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
12 proposed as an amendment to the Maryland Constitution shall be submitted to the
13 qualified voters of the State at the next general election to be held in November 2014
14 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
15 At that general election, the vote on this proposed amendment to the Constitution
16 shall be by ballot, and upon each ballot there shall be printed the words "For the
17 Constitutional Amendment" and "Against the Constitutional Amendment," as now
18 provided by law. Immediately after the election, all returns shall be made to the
19 Governor of the vote for and against the proposed amendment, as directed by Article
20 XIV of the Maryland Constitution, and further proceedings had in accordance with
21 Article XIV.