

HOUSE BILL 120

E2

(5lr0795)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Vallario, Anderson, Carter, Conaway, Dumais, Glass, Kittleman, Moon, Morales, Rosenberg, Smith, Sydnor, and Valentino-Smith**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Failure to Appear – Rescheduling**

3 FOR the purpose of authorizing a judge to set a bond in a certain case on issuing a bench
4 warrant under a certain provision of law; requiring ~~the court~~ a judicial officer to
5 ~~strike a certain bench warrant~~ mark a certain bench warrant satisfied and under
6 certain circumstances; requiring the court to reschedule a certain hearing or trial if
7 a certain person posts a bond under certain circumstances; and generally relating to
8 issuance of a bench warrant for failure to appear at a criminal proceeding.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 5–211
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



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

3 **Article – Criminal Procedure**

4 5–211.

5 (a) If a person has been charged with a crime and admitted to bail or released on
6 recognizance and the person forfeits the bail or recognizance and willfully fails to
7 surrender, a bench warrant shall be issued for the person's arrest.

8 **(B) (1) ON ISSUING A BENCH WARRANT UNDER SUBSECTION (A) OF THIS**
9 **SECTION, A JUDGE MAY ALSO SET A BOND IN THE CASE.**

10 **(2) IF A PERSON AGAINST WHOM A BENCH WARRANT HAS BEEN**
11 **ISSUED POSTS A BOND THAT HAS BEEN SET BY A JUDGE UNDER PARAGRAPH (1) OF**
12 **THIS SUBSECTION, ~~THE COURT A JUDICIAL OFFICER SHALL~~**

13 **(I) ~~STRIKE THE BENCH WARRANT~~ A JUDICIAL OFFICER SHALL**
14 **MARK THE BENCH WARRANT SATISFIED; AND**

15 **(II) THE COURT SHALL RESCHEDULE THE HEARING OR TRIAL.**

16 **[(b)] (C)** A person who has been admitted to bail or released on recognizance in
17 a criminal case in the State and who willfully fails to surrender within 30 days after the
18 date of forfeiture is guilty of a misdemeanor and on conviction is subject to:

19 (1) a fine not exceeding \$5,000 or imprisonment not exceeding 5 years or
20 both, if the bail or recognizance was given in connection with a charge of a felony or pending
21 an appeal, certiorari, habeas corpus, or postconviction proceeding after conviction of any
22 crime; or

23 (2) a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or
24 both, if the bail or recognizance was given in connection with a charge of a misdemeanor,
25 or for appearance as a witness.

26 **[(c)] (D)** This section does not diminish the power of a court to punish for
27 contempt.

28 **[(d)] (E)** A person who is prosecuted under subsection **[(b)(1)] (C)(1)** of this
29 section is subject to § 5–106(b) of the Courts Article regarding the exemption from the
30 statute of limitations for the institution of prosecution and the right of in banc review.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2015.