

HOUSE BILL 120

E2

5lr0795

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

Introduced and read first time: January 26, 2015

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2015

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
6 reschedule a certain hearing or trial if a certain person posts a bond under certain
7 circumstances; and generally relating to issuance of a bench warrant for failure to
8 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)

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

16 **Article – Criminal Procedure**

17 5–211.

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.



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

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

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

9 (I) ~~STRIKE THE BENCH WARRANT~~ MARK THE BENCH WARRANT
10 SATISFIED; AND

11 (II) RESCHEDULE THE HEARING OR TRIAL.

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

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

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

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

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

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