

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 475
Judiciary

(Delegate Sydnor, *et al.*)

Courts - Grand Juries - Prohibited Action

This bill prohibits a grand jury from inquiring into an offense involving a shooting or the alleged use of excessive force by a law enforcement officer that leads to the death of a person arrested, detained, or otherwise in law enforcement custody.

Fiscal Summary

State Effect: The bill does not materially impact the workload of the Judiciary.

Local Effect: The bill does not materially impact the workload of the circuit courts or State's Attorneys' offices.

Small Business Effect: None.

Analysis

Current Law: A State's Attorney may seek to have an individual charged by grand jury indictment when the charge is a felony. The circuit court files an indictment returned by a grand jury. A defendant who is indicted by a grand jury is not entitled to a preliminary hearing since the grand jury has already made the determination that there is probable cause to believe the defendant committed the offense. A grand jury may subpoena evidence and witnesses that may be difficult for a law enforcement agency or the State's Attorney to obtain through regular investigation. All witnesses must testify under oath without an attorney present. The proceedings are confidential.

Instead of a grand jury indictment, a State's Attorney may file an information in a felony case under the jurisdiction of the circuit court if the defendant (1) requests or consents in

writing to be charged by information; (2) requests a preliminary hearing for a felony within the sole jurisdiction of the circuit court and the hearing results in a finding of probable cause; or (3) waives the right to a preliminary hearing.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 18, 2016
min/kdm

Analysis by: Jennifer K. Botts

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