

HOUSE BILL 839

E2
HB 589/16 – JUD

7lr1969

By: **Delegate Vallario**

Introduced and read first time: February 3, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Office of the Public Defender – Representation at Bail Hearing – Provisional**

3 FOR the purpose of establishing that the representation provided by the Office of the Public
4 Defender to an indigent individual at a bail hearing before a District Court or circuit
5 court judge shall be limited solely to the bail hearing and shall terminate
6 automatically at the conclusion of the hearing; establishing a certain exception; and
7 generally relating to representation by the Office of the Public Defender.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 16–204
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2016 Supplement)

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

15 **Article – Criminal Procedure**

16 16–204.

17 (a) Representation of an indigent individual may be provided in accordance with
18 this title by the Public Defender or, subject to the supervision of the Public Defender, by
19 the deputy public defender, district public defenders, assistant public defenders, or panel
20 attorneys.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

8 (v) a proceeding involving children in need of assistance under §
9 3–813 of the Courts Article; or

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

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

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

16 3. an appeal.

17 (2) (i) Except as provided in subparagraph (ii) of this paragraph,
18 representation shall be provided to an indigent individual in all stages of a proceeding listed
19 in paragraph (1) of this subsection, including, in criminal proceedings, custody,
20 interrogation, bail hearing before a District Court or circuit court judge, preliminary
21 hearing, arraignment, trial, and appeal.

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

24 **(III) 1. THIS SUBPARAGRAPH DOES NOT APPLY TO AN**
25 **INDIVIDUAL WHO REMAINS INCARCERATED AFTER A BAIL HEARING.**

26 **2. THE REPRESENTATION PROVIDED TO AN INDIGENT**
27 **INDIVIDUAL AT A BAIL HEARING BEFORE A DISTRICT COURT OR CIRCUIT COURT**
28 **JUDGE SHALL BE LIMITED SOLELY TO THE BAIL HEARING AND SHALL TERMINATE**
29 **AUTOMATICALLY AT THE CONCLUSION OF THE HEARING.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2017.