

HOUSE BILL 1559

E2

8lr0482

By: **Delegates Vallario, Anderson, Angel, Conaway, Haynes, Morhaim, and Sanchez**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Court Records – Unserved Arrest Warrant and Charging Document – Inspection**
3 **by Attorney**

4 FOR the purpose of altering a provision of law to authorize an attorney, rather than an
5 attorney who is authorized by a certain individual, to inspect a certain arrest
6 warrant and charging document; and generally relating to court records.

7 BY repealing and reenacting, with amendments,

8 Article – General Provisions

9 Section 4–316

10 Annotated Code of Maryland

11 (2014 Volume and 2017 Supplement)

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

14 **Article – General Provisions**

15 4–316.

16 (a) Except as provided in subsection (d) of this section and subject to subsection
17 (e) of this section, unless otherwise ordered by the court, files and records of the court
18 pertaining to an arrest warrant issued under Maryland Rule 4–212(d)(1) or (2) and the
19 charging document on which the arrest warrant was issued may not be open to inspection
20 until:

21 (1) the arrest warrant has been served and a return of service has been
22 filed in accordance with Maryland Rule 4–212(g); or

23 (2) 90 days have elapsed since the arrest warrant was issued.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Except as provided in subsection (d) of this section and subject to subsection
2 (e) of this section, unless otherwise ordered by the court, files and records of the court
3 pertaining to an arrest warrant issued in accordance with a grand jury indictment or
4 conspiracy investigation and the charging document on which the arrest warrant was
5 issued may not be open to inspection until all arrest warrants for any co-conspirators have
6 been served and all returns of service have been filed in accordance with Maryland Rule
7 4-212(g).

8 (c) Subject to subsections (a) and (b) of this section, unless sealed under Maryland
9 Rule 4-201(d), the files and records shall be open to inspection.

10 (d) (1) The name, address, birth date, driver's license number, sex, height, and
11 weight of an individual contained in an arrest warrant issued under Maryland Rule
12 4-212(d)(1) or (2) or issued in accordance with a grand jury indictment or conspiracy
13 investigation may be released to the Motor Vehicle Administration for use by the
14 Administration for purposes of § 13-406.1 or § 16-204 of the Transportation Article.

15 (2) Except as provided in paragraph (1) of this subsection, information in a
16 charging document that identifies an individual may not be released to the Motor Vehicle
17 Administration.

18 (e) Subsections (a) and (b) of this section may not be construed to prohibit:

19 (1) the release of statistical information concerning unserved arrest
20 warrants;

21 (2) the release of information by a State's Attorney or peace officer
22 concerning an unserved arrest warrant and the charging document on which the arrest
23 warrant was issued;

24 (3) inspection of files and records of a court concerning an unserved arrest
25 warrant and the charging document on which the arrest warrant was issued by:

26 (i) a judicial officer;

27 (ii) any authorized court personnel;

28 (iii) a State's Attorney;

29 (iv) a peace officer;

30 (v) a correctional officer who is authorized by law to serve an arrest
31 warrant;

1 (vi) a bail bondsman, surety insurer, or surety who executes bail
2 bonds who executed a bail bond for the individual who is subject to arrest under the arrest
3 warrant;

4 (vii) an attorney [authorized by the individual who is subject to arrest
5 under the arrest warrant];

6 (viii) the Department of Juvenile Services; or

7 (ix) a federal, State, or local criminal justice agency described under
8 Title 10, Subtitle 2 of the Criminal Procedure Article; or

9 (4) the release of information by the Department of Public Safety and
10 Correctional Services or the Department of Juvenile Services to notify a victim under §
11 11-507 of the Criminal Procedure Article.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2018.