

SENATE BILL 1017

E2

9lr3315

By: **Senators Zirkin and Miller**

Introduced and read first time: February 28, 2019

Assigned to: Rules

Re-referred to: Judicial Proceedings, March 11, 2019

Committee Report: Favorable

Senate action: Adopted

Read second time: March 24, 2019

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Office of the Public Defender – Definition of Serious**
3 **Offense**

4 FOR the purpose of altering a certain definition of “serious offense” to remove a certain
5 limitation on offenses that are included for purposes relating to representation by
6 the Office of the Public Defender; and generally relating to the Office of the Public
7 Defender.

8 BY repealing and reenacting, without amendments,
9 Article – Criminal Procedure
10 Section 16–101(a) and 16–204(b)(1)(i)
11 Annotated Code of Maryland
12 (2018 Replacement Volume)

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Procedure
15 Section 16–101(h)
16 Annotated Code of Maryland
17 (2018 Replacement Volume)

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

20 **Article – Criminal Procedure**

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 16–101.

2 (a) In this title the following words have the meanings indicated.

3 (h) “Serious offense” means:

4 (1) a felony;

5 (2) a misdemeanor or offense punishable by confinement [for more than 3
6 months or a fine of more than \$500];

7 (3) a delinquent act that would be a serious offense if committed by an
8 adult; or

9 (4) an offense in which, in the opinion of the court, the complexity of the
10 matter or the youth, inexperience, or mental capacity of the accused requires
11 representation of the accused by an attorney.

12 16–204.

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

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.