

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1186
Reckless and Negligent Driving – Death of Another – Must-
Appear Violation
DATE: February 26, 2020
(3/4)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 1186. This bill provides an individual must appear and cannot comply with prepayment of a fine for certain violations.

The Judiciary is concerned with the language that takes away the discretion of the Chief Judge of the District Court to set prepayable fees. The offense at Transportation §12-901.1 remains non-incarcerable. The ability of the court to accept guilty pleas by means of prepayment of the citation in non-incarcerated citations inures to the benefit of the individual who has been cited, but also saves the witnesses from having to rearrange their schedules and take time off of work to attend court. The same is true for police officers.

In addition, if the citation is a “must appear” non-incarcerable offense but the individual fails to appear, a bench warrant may issue resulting in the incarceration of the individual. This results in a legally contradictory situation where a non-incarcerable offense becomes an incarcerable offense.

cc. Hon. Kathy Szeliga
Judicial Council
Legislative Committee
Kelley O’Connor