

JACK BAILEY
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Calvert and St. Mary's Counties

Judicial Proceedings Committee



THE SENATE OF MARYLAND
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Senate Bill 457 – Workgroup to Study Trial in Absence

Dear Chairman Smith and Members of the Committee,

I am writing to introduce Senate Bill 457 – Workgroup to Study Trial in Absence. This bill would create a workgroup to study the possibility of allowing individuals who fail to appear in court for minor offenses to be tried in their absence.

The Workgroup would consist of two members of the Senate, two members of the House, the Public Defender or their designee, and the President of the Maryland State's Attorneys' Association or their designee. In addition, I am submitting an amendment to this bill so that one member will be appointed by the Chief Judge of the Court of Appeals rather than the Chief Judge of the District Court. This Workgroup will be tasked with studying other jurisdictions where this practice is used and the feasibility of implementing trial in absence in Maryland. It would also determine which minor offenses would be eligible for trial in absence, the conditions under which a trial in absence would be authorized, and determine how any penalties incurred through a trial in absence would be collected.

During my 30 years of service as a police officer I attended court in multiple jurisdictions both in this State and in others, including Virginia. In Virginia, I saw many times when a defendant accused of a non-violent criminal misdemeanor was tried in their absence. In the same scenario in Maryland, a failure to appear results in a warrant being issued for the defendant's arrest. From discussions with members of the Judiciary, a large part of the administrative work in the courts is the result of processing failure to appear warrants. If implemented, this may give our State one option to limit interactions between law enforcement and individuals charged with very minor crimes who fail to appear for their court dates, which would also allow our police to focus on more serious offenses.

The Workgroup's report would be due on December 1, 2022, and the bill sunsets on June 30, 2023. I respectfully request a favorable report with amendments on Senate Bill 457. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bailey".

Senator Jack Bailey