

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader  
Chief Justice

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 1142  
Criminal Procedure – Required Presence of Probation or  
Defendant – Circuit Courts  
**DATE:** March 1, 2023  
(3/9)  
**POSITION:** Oppose, as drafted

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The Maryland Judiciary opposes House Bill HB 1142, as drafted. The offered legislation amends Criminal Procedure §6-223. The existing law provides that, on receipt of charges that a probationer or defendant violated a condition of probation the District Court may issue a warrant requiring the probationer or defendant to be brought to appear before the issuing judge during the period of probation or within 30 days after the violation. If the circuit court intends to issue a warrant or notice, the bill now mandates the same time restrictions.

While it appears that the bill added the circuit court in paragraph (b) to be consistent with paragraphs (a), (c), and (d), the bill restricts the circuit court because of the time limitation. For example, in instances where a defendant has a pending charge that is the underlying basis of the violation, a judge may defer issuing a warrant or notice until the pending charge is resolved. In addition, a judge may not receive notice of the violation from the Division of Parole & Probation in the limited time required under this bill. In such instances, the circuit court would be prohibited from proceeding on a violation of probation.

cc. Hon. David Moon  
Judicial Council  
Legislative Committee  
Kelley O'Connor