

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 801
Criminal Procedure – Committed Persons – Release Proceedings
DATE: January 31, 2024
(2/20)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 801.

The language that the bill seeks to add to the statute provides that the circuit court rules governing discovery will apply to proceedings that determine release conditions for committed persons. It is unclear, however, whether the civil discovery rules or the criminal discovery rules would apply. Second, the bill would require the court to hold a hearing if requested by any party, including self-represented litigants, and permit additional hearings. This is unworkable. Further, locating the counsel of record for the committed person years later is not practicable, especially if they were panel attorneys. These issues may be more appropriate for the Standing Committee on Rules of Practice and Procedure.

cc. Hon. Aaron Kaufman
Judicial Council
Legislative Committee
Kelley O'Connor