SENATE BILL 207

E2 HB 359/16 – JUD CF HB 166

By: Senator Feldman

Introduced and read first time: January 19, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

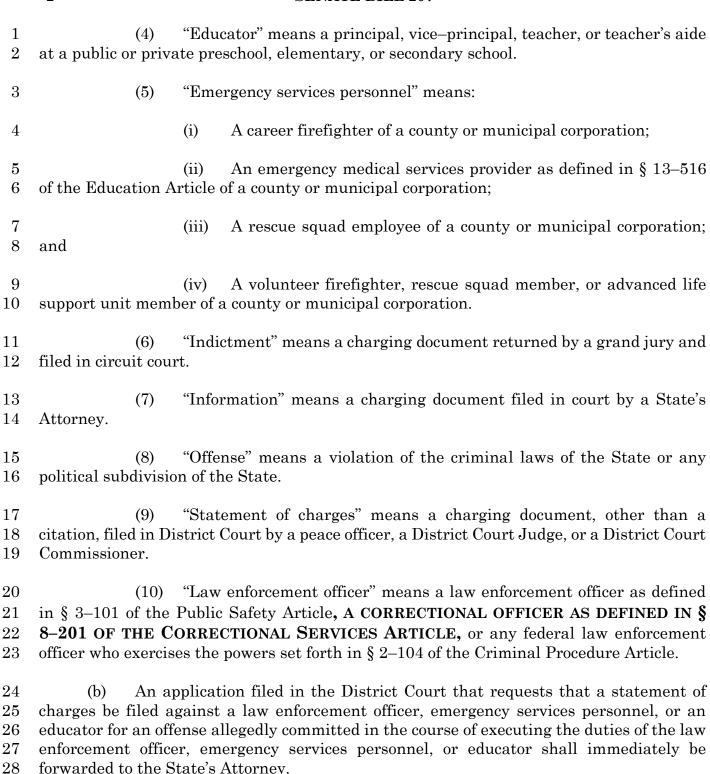
1	AN ACT concerning
2 3	Criminal Procedure – Charges Against Correctional Officer – Review by State's Attorney
4 5 6 7 8	FOR the purpose of altering a certain definition to make certain provisions of law requiring State's Attorney review of an application for a statement of charges against a law enforcement officer applicable to an application for a statement of charges against a correctional officer; and generally relating to charging documents against law enforcement officers.
9 10 11 12 13	BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 2–608 Annotated Code of Maryland (2013 Replacement Volume and 2016 Supplement)
14 15	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
16	Article - Courts and Judicial Proceedings
17	2–608.
18	(a) (1) In this section the following words have the meanings indicated.
19 20	(2) "Charging document" means a written accusation alleging that a defendant has committed an offense.
21 22 23	(3) "Citation" means a charging document, other than an indictment, an information, or a statement of charges, issued to a defendant by a peace officer or other person authorized by law to do so

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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- 29 (c) (1) Upon receiving an application filed in District Court requesting that a 30 statement of charges be filed against a law enforcement officer, emergency services 31 personnel, or an educator, the State's Attorney shall:
 - (i) Investigate the circumstances of the matter; and

1 (ii) Make a recommendation to the District Court Commissioner as 2 to whether a statement of charges should be filed against the law enforcement officer, 3 emergency services personnel, or the educator.

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- (2) If the State's Attorney recommends to a District Court Commissioner that a statement of charges be filed against a law enforcement officer, emergency services personnel, or an educator, the State's Attorney shall also make a recommendation as to whether a summons or warrant should issue.
- (d) Notwithstanding any other provision of the Code or the Maryland Rules, a statement of charges for an offense allegedly committed in the course of executing the duties of the law enforcement officer, emergency services personnel, or the educator may not be filed against a law enforcement officer, emergency services personnel, or educator until the State's Attorney has investigated the circumstances of the matter and made recommendations to the District Court Commissioner in accordance with subsection (c) of this section.
- 15 (e) This section may not be construed to preclude the State's Attorney from 16 making a determination that an information should be filed against a law enforcement 17 officer, emergency services personnel, or an educator or that a grand jury should be 18 convened to determine whether an indictment should be filed.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.