

proceeding. The appeal shall be heard and the decision rendered within 120 days of the time that the record on appeal is filed in the appellate court. Otherwise, the decision of the trial court shall be final.

(iv) If the State appeals on the basis of this paragraph, and if on final appeal the decision of the trial court is affirmed, the charges against the defendant shall be dismissed in the case from which the appeal was taken. In that case, the State may not prosecute the defendant on those specific charges or on any other related charges arising out of the same incident.

(v) Pending the prosecution and determination of an appeal taken under paragraph (1) or (3) of this subsection, the defendant shall be released on personal recognizance bail. If the defendant fails to appear as required by the terms of the recognizance bail, the trial court shall subject the defendant to the penalties provided in Article 27, § 12B.

(vi) If the State loses the appeal, the jurisdiction shall pay all the costs related to the appeal, including reasonable attorney fees incurred by the defendant as a result of the appeal.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1989.

Approved May 25, 1989.

CHAPTER 574

(Senate Bill 391)

AN ACT concerning

Warrantless Arrest - Indecent Exposure

FOR the purpose of authorizing a police officer under certain circumstances to make a warrantless arrest of a person who commits a certain violation involving indecent exposure; and generally relating to warrantless arrests.

BY repealing and reenacting, without amendments,

Article 27 - Crimes and Punishments
Section 594B(e)
Annotated Code of Maryland
(1987 Replacement Volume and 1988 Supplement)