

concerning such arrested persons be recorded, and relating generally thereto.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 97(h), 98(a), 98(c), 98(f) and 98(g) of Article 52 of the Annotated Code of Maryland (1968 Replacement Volume and 1969 Supplement), title "Justices of the Peace," subtitle "Trial Magistrates System," be and are hereby repealed and re-enacted, with amendments, to read as follows:

97.

(h). ~~Montgomery~~ MONTGOMERY County.—In Montgomery County, the County **[Council]** *Executive* for said county shall appoint, with the advice and consent of the chief judge of the People's Court for Montgomery County, *and subject to the confirmation of the County Council*, no more than thirty (30) employees of the People's Court for Montgomery County who shall be designated as committing magistrates in said county and who shall have all the powers and jurisdiction now or hereafter prescribed by law in justices of the peace or committing magistrates. Each committing magistrate, so appointed and designated shall serve a term of two (2) years or until his successor is appointed and qualified, and receive an annual salary as set by the County **[Council]** *Executive with the approval of the County Council*. The committing magistrates shall sit at such times and places and shall perform such duties as are assigned to them by the judges of the People's Court. In the conduct and administration of their affairs they shall conform to such practices and procedures, consistent with law, as are prescribed by the judges of the People's Court with the approval of the judges thereof. The judges shall prescribe such practice and procedure as is necessary apart from the other duties of the committing magistrates to assure that one such magistrate is always on duty and available for immediate presentment of any arrested person, that such magistrate be required to advise the arrested person of his constitutional rights including the right to be assigned, retain, or waive the assistance of counsel as the case may require, that such magistrate be required to set bond, determine probable cause, assign counsel where necessary, and perform other functions now performed by the justices of the peace of said county. **[The County Council shall require that]** **[e]** *Each* arrested person *shall* be taken before such committing magistrate immediately following arrest without delay. **[and shall provide that]** **[a]** All proceedings concerning such arrested persons before the magistrate *shall* be recorded upon a mechanical device and preserved until the criminal proceeding concerning such arrested person is finally concluded.

98.

(a) As of June 15, 1955, the County Council for Montgomery County shall appoint three judges of the People's Court of Montgomery County who shall meet the qualifications provided in this Article and who shall serve until the first day of May in the year 1963 or until their successors are appointed and qualified. As of the first day of May in every tenth year thereafter, the County **[Council]** *Executive* of Montgomery County shall appoint, *subject to the confirmation of the County Council*, three judges of the People's Court of Montgomery County to fill the positions then expiring. As of