

§ 20A. Procedure for holding witness in criminal proceedings.

(a) Taking before [magistrate] *commissioner* required.—In any criminal proceedings wherein a warrant may be issued for the purpose of requiring the attendance of a person as a material witness for the State, it shall be mandatory, before he may be committed to jail, that such person be taken promptly before a [magistrate who has the power to commit if in the counties or before a police magistrate if in the City of Baltimore] *District Court commissioner*.

(b) Hearing; [magistrate] *commissioner* to set bond.—If the said [magistrate] *District Court commissioner* shall determine after a hearing that the person so brought before him should be held as a witness for the State, [the magistrate] *he* shall set a reasonable bond for the appearance when required of the witness in the criminal proceedings.

(c) Commitment to jail in default of bond.—In the event the witness is unable to post the bond set by the [magistrate] *District Court commissioner*, then in default of such bond, the witness shall be committed to jail.

(d) Notification of State's attorney when witness committed to jail.—Upon the commitment to jail in default of bond of any such witness, the [magistrate] *District Court commissioner* before whom such witness appeared shall immediately notify the State's attorney of the city or county wherein the witness is being held that such witness is being held in jail in default of bond. The sheriff, warden or other custodian of any jail in which such a witness may be held shall also immediately notify the State's attorney of the city or county wherein the jail may be located that such witness is being held in default of bond.

(e) Release from custody after seven days.—Unless the State's attorney of the city or county wherein the witness may be committed shall make application in writing prior to the expiration of a period of seven calendar days from the date of commitment of the witness to a judge of the circuit court or to a judge of the Supreme Bench of Baltimore City wherein the witness is committed for authority to continue to hold such witness, the sheriff, warden or other custodian of the jail wherein the witness is committed shall immediately upon the expiration of the said seven-day period release any witness who shall not already have been released because of having posted the required bond during the said seven-day period.

(f) Grant of authority to hold witness longer than seven days.—The filing of the petition for authority to continue to hold a witness longer than seven days as herein provided may be granted by the judge, only upon such conditions and in accordance with the procedure as is provided by "The Maryland Rules of Procedure."

(g) Authority of State's attorney to order release.—The State's attorney of the city or county, where the witness is being held in default of bond, shall have authority to order the release of said witness from custody at any time either before or after the expiration of said seven-day period, by placing an endorsement to that effect on the commitment or warrant.

§ 35. Compensation of witnesses.

All witnesses summoned under such commissions shall be allowed the same pay for their attendance as is allowed for the attendance of