

transfers Art. 26, §145(b)(5)(i) to Art. 27.

SECTION 7A. AND BE IT FURTHER ENACTED, That Sec. 592 of Art. 27, Annotated Code of Maryland (1971 Repl. Vol., as amended by Ch. 840, Acts of 1973), title "Crimes and Punishments," subtitle "Venue, Procedure and Sentence," subheading "Procedure" be and it is hereby repealed and re-enacted with amendments, to read as follows:

(A) In all cases INVOLVING A FELONY, OTHER THAN A FELONY WITHIN THE JURISDICTION OF THE DISTRICT COURT, in which the accused has not requested a preliminary hearing within ten days after being informed by the court or court commissioner of the availability of such a hearing, or in all cases in which a preliminary hearing has been held and probable cause to hold the accused has been found, the State's Attorney may [elect to indict the accused by presentment or] charge by information.

(B) (1) IN ANY CASE WHERE THE DEFENDANT HAS BEEN CHARGED WITH A FELONY, OTHER THAN A FELONY WITHIN THE JURISDICTION OF THE DISTRICT COURT, THE DEFENDANT SHALL BE ADVISED BY THE COURT OR COURT COMMISSIONER, AT THE TIME OF THE INITIAL APPEARANCE REQUIRED BY THE MARYLAND DISTRICT RULES, OF HIS RIGHT TO REQUEST A PRELIMINARY HEARING. THE DEFENDANT MAY MAKE THAT REQUEST AT THE TIME OF THE INITIAL APPEARANCE OR AT ANY TIME WITHIN TEN DAYS THEREAFTER. IF THE DEFENDANT FAILS TO REQUEST A PRELIMINARY HEARING WITHIN THE TEN DAY PERIOD, IT IS WAIVED.

(2) IF THE STATE'S ATTORNEY ELECTS TO CHARGE THE ACCUSED BY CRIMINAL INFORMATION, THE RIGHT OF THE DEFENDANT TO THE PRELIMINARY HEARING IS ABSOLUTE, IF HE HAS REQUESTED SUCH A HEARING AS SET OUT ABOVE.

(3) IF THE STATE'S ATTORNEY ELECTS TO CHARGE THE ACCUSED BY GRAND JURY INDICTMENT, THE PRELIMINARY HEARING IS NOT A MATTER OF RIGHT TO THE DEFENDANT BUT MAY BE AFFORDED IN THE COURT'S DISCRETION. A PRELIMINARY HEARING IS NOT A MATTER OF RIGHT IN ANY OTHER CASE, BUT MAY BE AFFORDED IN ANY CASE IN THE COURT'S DISCRETION, UPON MOTION OF THE STATE'S ATTORNEY OR THE DEFENDANT.

SECTION 8. AND BE IT FURTHER ENACTED, That §616 1/2 of Art. 27, Annotated Code of Maryland (1971 Repl. Vol. as amended by and added to by legislation enacted at the 1973 regular session of the General Assembly),