

title "Crimes and Punishments", subtitle "Venue, Procedure, and Sentence", subheading "Indictments", be and it is hereby repealed and re-enacted with amendments to read as follows:

616 1/2. BAIL; WARRANTS; REFUSAL OF BAIL; FORFEITURE OF BAIL; SPECIAL PROVISIONS IN SECOND AND SEVENTH CIRCUITS.

(A) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, IN A CRIMINAL CASE IN THE CIRCUIT COURT OF A COUNTY OR A COURT OF THE SUPREME BENCH OF BALTIMORE CITY EXERCISING CRIMINAL JURISDICTION WHEREIN THE ACCUSED HAS BEEN ALLOWED TO GIVE BAIL, IF THE COURT SHALL ADJOURN BEFORE HE HAS SECURED THE BAIL, THE CLERK OF THE COURT MAY TAKE THE BAIL, ON ITS BEING DIRECTED BY ORDER OF COURT BEFORE ADJOURNMENT, OR OF ONE OF THE JUDGES AFTER ADJOURNMENT, FIXING THE AMOUNT THEREOF; BUT THE CLERK SHALL ACCEPT NO SECURITY WITHOUT THE OATH OR AFFIRMATION OF THE PERSON OFFERING HIMSELF AS SECURITY, THAT HE OR SHE IS WORTH THE AMOUNT OF THE BAIL IN REAL OR PERSONAL ESTATE, EXCLUSIVE OF HIS OR HER RIGHT TO EXEMPTION, NOR UNLESS THE CLERK SHALL BE SATISFIED OF THE TRUTH OF SUCH STATEMENT ON OATH OR AFFIRMATION; AND WHENEVER A PARTY IS ARRESTED ON INDICTMENT IN ANY OF THOSE COURTS, AND IS IMPRISONED DURING THE RECESS OF THE COURT, ANY JUDGE THEREOF, IF IT BE A BAILABLE CASE, MAY, BY HIS ORDER IN WRITING, FIX THE BAIL AND DIRECT THE CLERK TO TAKE THE SAME, WITH SECURITY OR SECURITIES, WHO SHALL JUSTIFY ON OATH OR AFFIRMATION AS HEREINBEFORE PROVIDED, AND NO SECURITY SHALL BE TAKEN WHOM THE CLERK IS NOT FULLY SATISFIED TO BE WORTH THE AMOUNT SWORN TO.

REVISOR'S NOTE: Subsection (a) contains the substance of Art. 26, §33(a), which is proposed for repeal.

(B) (1) SUBJECT TO THE PROVISIONS OF SECTION (C) OF THIS SUBSECTION, EVERY DISTRICT COURT JUDGE MAY SET BOND OR BAIL OR RELEASE ON PERSONAL RECOGNIZANCE, BOND, PERSONAL OR OTHERWISE, COMMIT TO JAIL IN DEFAULT OF BOND, FORFEIT BONDS UPON FAILURE OF THE DEFENDANT TO MEET THE CONDITIONS OF THE BOND AND EXERCISE ALL OF THE POWERS OF JUSTICES OF THE PEACE UNDER THE CONSTITUTION OF 1867.

(2) IN THE DISTRICT COURT, IN ALL CRIMINAL OR TRAFFIC VIOLATIONS FOR WHICH BOND HAS BEEN SET, A DEFENDANT OR A PRIVATE SURETY ACTING IN HIS BEHALF MAY