

The second sentence of former Article 27, § 89, which provided that the pretrial inquiry be in the public interest, is deleted as unnecessary.

The Commission to Revise the Annotated Code calls to the attention of the General Assembly the limitations on the authority of deputy and assistant State's Attorneys under this section. Only the State's Attorney may issue a summons and seek the aid of the circuit court. See §§ 5-1019 and 13-104 of this article, where deputy and assistant State's Attorneys have these powers. If the General Assembly broadens the scope of these provisions to apply statewide, the General Assembly may wish to conform this section to §§ 5-1019 and 13-104 of this article.

Defined term: "Summons" § 1-101

10-214. NOTICE TO ACCUSED INDIVIDUAL.

BEFORE THE STATE'S ATTORNEY CONDUCTS AN INQUIRY UNDER § 10-213 OF THIS SUBTITLE, THE STATE'S ATTORNEY SHALL NOTIFY THE ACCUSED INDIVIDUAL IN WRITING OF:

(1) THE TIME AND PLACE OF THE INQUIRY;

(2) THE ACCUSED INDIVIDUAL'S RIGHT TO APPEAR AT THE INQUIRY AND TO PRODUCE EVIDENCE OR INFORMATION THAT RELATES TO THE MATTERS EXAMINED; AND

(3) THE ACCUSED INDIVIDUAL'S RIGHT TO TESTIFY IF THE INDIVIDUAL:

(I) NOTIFIES THE STATE'S ATTORNEY OF THE INDIVIDUAL'S DESIRE TO TESTIFY; AND

(II) SIGNS A WAIVER THAT PERMITS THE INDIVIDUAL'S TESTIMONY TO BE USED AGAINST THE INDIVIDUAL IN ANY LATER TRIAL THAT ARISES FROM THE INQUIRY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 27, § 92.

10-215. DISPOSITION.

(A) AUTHORITY OF STATE'S ATTORNEY.

AFTER A PRETRIAL INQUIRY BEFORE THE STATE'S ATTORNEY, A DEPUTY STATE'S ATTORNEY, OR AN ASSISTANT STATE'S ATTORNEY, THE STATE'S ATTORNEY MAY:

(1) FILE AN INFORMATION THAT CHARGES THE ACCUSED INDIVIDUAL WITH NONSUPPORT OR DESERTION, AS APPROPRIATE; OR