

FOR the purpose of ~~clarifying the jurisdiction for producing a defendant released on bail by repealing a reference to producing the defendant in the jurisdiction of a judicial officer~~ eliminating the authority of certain persons to produce a defendant by placing the defendant in the custody of a judicial officer; and generally relating to production of a defendant released on bail.

BY repealing and reenacting, with amendments,

Article 27 – Crimes and Punishments

Section 616 1/2(e)(1)

Annotated Code of Maryland

(1992 Replacement Volume and 1994 Supplement)

BY repealing and reenacting, without amendments,

Article 27 – Crimes and Punishments

Section 616 1/2(e)(2)

Annotated Code of Maryland

(1992 Replacement Volume and 1994 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 27 – Crimes and Punishments

616 1/2.

(e) (1) In this subsection, unless the context indicates otherwise, “produce” or “produced” means placing the defendant in the custody of a police officer, sheriff, or other commissioned law enforcement officer authorized to make arrests within the jurisdiction of the court [or a judicial officer].

(2) Subject to item (ii) of this paragraph, any court exercising criminal jurisdiction shall strike out a forfeiture of bail or collateral and discharge the underlying bond, where the defendant can show reasonable grounds for his nonappearance. However the court shall:

(i) Allow a surety 90 days, or for good cause shown, 180 days from the date of failure to appear to produce the defendant before requiring the payment of any forfeiture of bail or collateral; and

(ii) Strike out a forfeiture of bail or collateral deducting only the actual expense incurred for the defendant's arrest, apprehension, or surrender if the defendant is produced and if the arrest, apprehension, or surrender occurs more than 90 days after the defendant's failure to appear or at the termination of the period allowed by the court to produce the defendant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1995.

Approved May 18, 1995.