

Chapter 160

(House Bill 698)

AN ACT concerning

District Court – Mailings – Notice of Dismissal, Nolle Prosequi, or Stet

FOR the purpose of requiring a clerk of the District Court to mail notice of a dismissal, nolle prosequi, or stet of a criminal charge to a defendant and the defendant's attorney under certain circumstances; prohibiting a clerk of the District Court from mailing notice of a dismissal, nolle prosequi, or stet of a criminal charge to a defendant or the defendant's attorney under certain circumstances; and generally relating to certain notices mailed by a clerk of the District Court.

BY adding to

Article – Courts and Judicial Proceedings

Section 2–603(d)

Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

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

Article – Courts and Judicial Proceedings

2–603.

(D) (1) THIS SUBSECTION APPLIES TO:

(I) A DISMISSAL OR NOLLE PROSEQUI OF A CHARGE ENTERED ON THE RECORD IN THE DISTRICT COURT; AND

(II) AN INDEFINITE POSTPONEMENT IN THE DISTRICT COURT OF A TRIAL OF A CHARGE BY MARKING THE CHARGE “STET” ON THE DOCKET.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF A DISMISSAL OR NOLLE PROSEQUI OF A CHARGE IS ENTERED OR A CHARGE IS STETTED, A CLERK OF THE COURT:

(I) SUBJECT TO ITEM (II) OF THIS PARAGRAPH, SHALL MAIL NOTICE OF THE DISMISSAL, NOLLE PROSEQUI, OR STET, AS THE CASE MAY BE, TO THE DEFENDANT AND THE DEFENDANT’S ATTORNEY OF RECORD IF

BOTH THE DEFENDANT AND THE DEFENDANT'S ATTORNEY OF RECORD ARE NOT PRESENT IN COURT WHEN THE DISMISSAL OR NOLLE PROSEQUI OF THE CHARGE IS ENTERED OR THE CHARGE IS STETTED;

(II) MAY NOT MAIL A NOTICE DESCRIBED IN THIS SUBSECTION TO THE DEFENDANT IF THE DEFENDANT'S WHEREABOUTS ARE UNKNOWN; AND

(III) MAY NOT MAIL A NOTICE DESCRIBED IN THIS SUBSECTION TO THE DEFENDANT OR THE DEFENDANT'S ATTORNEY OF RECORD IF EITHER IS PRESENT IN COURT WHEN THE DISMISSAL OR NOLLE PROSEQUI OF THE CHARGE IS ENTERED OR THE CHARGE IS STETTED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, April 13, 2010.