

HOUSE BILL 1030

D2, L1

2lr2457

By: **Delegates Alston and Braveboy**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **District Court – Prince George’s County – Masters for Traffic Offenses**

3 FOR the purpose of requiring the judges of the District Court in Prince George’s
4 County to appoint one or more masters to hear nonincarcerable violations of the
5 Maryland Vehicle Law; providing that an appointment under this Act is subject
6 to a certain approval; providing for standards applicable to a master under this
7 Act; requiring a master under this Act to be a member of good standing of the
8 Maryland Bar; establishing the powers and duties of a master under this Act;
9 establishing requirements for hearings held under this Act; authorizing a
10 defendant to file exceptions and have a certain hearing; establishing that
11 certain proposals and recommendations do not constitute orders or final action
12 of the court; requiring the court to review certain proposals and
13 recommendations and take certain actions; requiring the court to conduct a de
14 novo hearing under certain circumstances; authorizing a certain funding source
15 for the implementation of this Act; and generally relating to masters in Prince
16 George’s County to hear nonincarcerable violations of the Maryland Vehicle
17 Law.

18 BY adding to

19 Article – Courts and Judicial Proceedings

20 Section 1–604

21 Annotated Code of Maryland

22 (2006 Replacement Volume and 2011 Supplement)

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

25 **Article – Courts and Judicial Proceedings**

26 **1–604.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) (1) THE JUDGES OF THE DISTRICT COURT IN PRINCE GEORGE'S**
2 **COUNTY SHALL APPOINT ONE OR MORE MASTERS TO HEAR NONINCARCERABLE**
3 **VIOLATIONS OF THE MARYLAND VEHICLE LAW.**

4 **(2) AN APPOINTMENT UNDER THIS SECTION IS SUBJECT TO**
5 **APPROVAL BY THE CHIEF JUDGE OF THE COURT OF APPEALS.**

6 **(3) THE STANDARDS EXPRESSED IN § 3-806(B) OF THIS ARTICLE,**
7 **WITH RESPECT TO THE ASSIGNMENT OF JUDGES, ARE APPLICABLE TO THE**
8 **APPOINTMENT OF MASTERS.**

9 **(4) A MASTER, AT THE TIME OF APPOINTMENT AND AT ALL TIMES**
10 **WHILE SERVING AS A MASTER, SHALL BE A MEMBER IN GOOD STANDING OF THE**
11 **MARYLAND BAR.**

12 **(B) (1) A MASTER APPOINTED UNDER THIS SECTION MAY CONDUCT**
13 **HEARINGS.**

14 **(2) EACH PROCEEDING SHALL BE RECORDED, AND THE MASTER**
15 **SHALL MAKE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**
16 **RECOMMENDATIONS AS TO AN APPROPRIATE ORDER.**

17 **(3) THE PROPOSALS AND RECOMMENDATIONS SHALL BE IN**
18 **WRITING AND, WITHIN 10 DAYS AFTER THE HEARING, THE ORIGINAL SHALL BE**
19 **FILED WITH THE COURT AND A COPY SERVED ON THE DEFENDANT AND THE**
20 **STATE'S ATTORNEY.**

21 **(C) (1) THE DEFENDANT, IN ACCORDANCE WITH THE MARYLAND**
22 **RULES, MAY FILE WRITTEN EXCEPTIONS TO ANY OR ALL OF THE MASTER'S**
23 **FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS, BUT SHALL SPECIFY THOSE**
24 **ITEMS TO WHICH THE PARTY OBJECTS.**

25 **(2) A DEFENDANT WHO FILES EXCEPTIONS MAY HAVE A HEARING**
26 **ON THE RECORD BEFORE THE COURT.**

27 **(3) A HEARING UNDER THIS SUBSECTION SHALL BE LIMITED TO**
28 **THOSE MATTERS TO WHICH EXCEPTIONS HAVE BEEN TAKEN.**

29 **(D) (1) THE PROPOSALS AND RECOMMENDATIONS OF A MASTER DO**
30 **NOT CONSTITUTE ORDERS OR FINAL ACTION OF THE COURT.**

1 **(2) THE PROPOSALS AND RECOMMENDATIONS SHALL BE**
2 **PROMPTLY REVIEWED BY THE COURT, AND, IN THE ABSENCE OF TIMELY AND**
3 **PROPER EXCEPTIONS, THEY MAY BE ADOPTED BY THE COURT AND**
4 **APPROPRIATE ORDERS ENTERED BASED ON THEM.**

5 **(E) IF THE COURT, ON ITS OWN MOTION AND IN THE ABSENCE OF**
6 **TIMELY AND PROPER EXCEPTIONS, DECIDES NOT TO ADOPT THE MASTER'S**
7 **FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS, OR ANY OF THEM, THE**
8 **COURT SHALL CONDUCT A DE NOVO HEARING UNLESS ALL PARTIES AND THE**
9 **COURT AGREE TO A HEARING ON THE RECORD.**

10 **(F) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,**
11 **IMPLEMENTATION OF THIS SECTION MAY BE FUNDED BY REVENUES RAISED IN**
12 **PRINCE GEORGE'S COUNTY FROM SPEED MONITORING SYSTEMS UNDER §**
13 **21-809 OF THE TRANSPORTATION ARTICLE.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2012.