



Senate Bill 1114

Criminal Procedure - Initial Appearance and Representation by the Office of the Public Defender

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: April 1, 2014

From: Michael Sanderson or Natasha Mehu

The Maryland Association of Counties (MACo) **SUPPORTS** Senate Bill 1114. This bill represents a complementary approach to addressing the recent *Richmond v. DeWolfe* holding, requiring legal representation at preliminary bail hearings.

In its testimony on SB 973 and other bail reform legislation, MACo has offered principles for reform that would avoid upending the current system, which enables reasonable and quick determination of defendants who do not need to be detained for an extended time. This debate over various reforms springs most immediately from the court rulings that unexpectedly extended the right to counsel to include even preliminary non-judicial hearings, triggering alarming cost and logistical consequences from the court's holding.

While counties still favor the reforms in SB 973, we join numerous other parties in also supporting the constitutional amendment in SB 1114 that would effectively overturn the basis of these court holdings. If this prevails (and we recognize that the several steps toward that end are not all certain), the current Maryland system of tiered review for release could continue, low risk defendants would not be unduly detained in unsuitable facilities, and the worst of the system shocks could be avoided.

Accordingly, MACo recommends the Committee issue a **FAVORABLE** report on SB 1114, as a useful complement to the broader reform legislation already passed by the Senate.