

Defined terms: "Charging document" § 1-101

"State" § 1-101

4-102. CHARGE BY CRIMINAL INFORMATION.

A STATE'S ATTORNEY MAY CHARGE BY INFORMATION:

(1) IN A CASE INVOLVING A FELONY THAT DOES NOT INVOLVE A FELONY WITHIN THE JURISDICTION OF THE DISTRICT COURT, IF THE DEFENDANT IS ENTITLED TO A PRELIMINARY HEARING BUT DOES NOT REQUEST A HEARING WITHIN 10 DAYS AFTER A COURT OR COURT COMMISSIONER INFORMS THE DEFENDANT ABOUT THE AVAILABILITY OF A PRELIMINARY HEARING; OR

(2) IN ANY OTHER CASE, IF A COURT IN A PRELIMINARY HEARING FINDS THAT THERE IS PROBABLE CAUSE TO HOLD THE DEFENDANT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 592(a).

In this section, the references to a "defendant" are substituted for the former references to the "accused" for consistency.

In item (2) of this section, the former phrase "other than a felony" is deleted as implicit in the phrase a "felony within the jurisdiction of the District Court".

4-103. PRELIMINARY HEARING.

(A) DEFENDANT TO BE ADVISED OF RIGHT.

IF A DEFENDANT IS CHARGED WITH A FELONY OTHER THAN A FELONY WITHIN THE JURISDICTION OF THE DISTRICT COURT, AT THE TIME OF THE DEFENDANT'S INITIAL APPEARANCE, AS REQUIRED BY MARYLAND RULE 4-213, A COURT OR COURT COMMISSIONER SHALL ADVISE THE DEFENDANT OF THE DEFENDANT'S RIGHT TO REQUEST A PRELIMINARY HEARING.

(B) TIME FOR WAIVER REQUESTS.

(1) A DEFENDANT MAY REQUEST A PRELIMINARY HEARING AT THE DEFENDANT'S INITIAL APPEARANCE OR AT ANY TIME WITHIN 10 DAYS AFTER THE INITIAL APPEARANCE.

(2) IF THE DEFENDANT DOES NOT REQUEST A PRELIMINARY HEARING WITHIN 10 DAYS AFTER THE INITIAL APPEARANCE, THE RIGHT TO A PRELIMINARY HEARING IS WAIVED.

(C) WHEN RIGHT IS ABSOLUTE.

(1) THE RIGHT OF A DEFENDANT TO A PRELIMINARY HEARING IS ABSOLUTE IF:

(I) THE DEFENDANT IS CHARGED BY CRIMINAL INFORMATION;
AND