

228th Report Rules Order Erratum

**REPLACE** pages 11 and 12, Rule 4-211, with the following version of Rule 4-211, containing existing language that inadvertently was omitted:

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 200 – PRETRIAL PROCEDURES

AMEND Rule 4-211 by updating the cross reference after section (b), as follows:

Rule 4-211. FILING OF CHARGING DOCUMENT

(a) Citation

The original of a citation shall be filed in District Court promptly after its issuance and service. Electronic data documenting the citation uploaded to the District Court by or on behalf of the peace officer who issued the citation shall be regarded as an original of the citation.

(b) Statement of Charges

(1) Before Any Arrest

Except as otherwise provided by statute, a judicial officer may file a statement of charges in the District Court against a defendant who has not been arrested for that offense upon written application containing an affidavit showing probable cause that the defendant committed the offense charged. If not executed by a peace officer, the affidavit shall be made and signed before a judicial officer.

(2) After Arrest

When a defendant has been arrested without a warrant, unless an information is filed in the District Court, the officer who has custody of the

defendant shall (A) forthwith cause a statement of charges to be filed against the defendant in the District Court and (B) at the same time or as soon thereafter as is practicable file an affidavit containing facts showing probable cause that the defendant committed the offense charged.

Cross reference: See Code, Courts Article, § 2-608 for special requirements concerning an application for a statement of charges against a law enforcement officer, an educator, an adult protective services worker, a child welfare caseworker, or a person within the definition of “emergency services personnel” in that section for an offense allegedly committed in the course of executing the person's duties.

(c) Information

A State's Attorney may file an information as permitted by Rule 4-201.

Committee note: Nothing in section (b) of this Rule precludes the filing of an information in the District Court by a State's Attorney at any time, whether in lieu of the filing of a statement of charges or as an additional or superseding charging document after a statement of charges has been filed.

(d) Indictment

The circuit court shall file an indictment returned by a grand jury.

(e) Identity of Minor Victim

If a person responsible for filing a charging document with the court pursuant to this Rule knows that the charging document contains the name of or any other information that reasonably could be expected to identify a minor victim, the person shall notify the clerk in writing of the presence of identifying information in the document and where in the document that information is contained.

Cross reference: See Code, Criminal Procedure Article, § 11-301.

Source: This Rule is derived as follows:  
Section (a) is derived from the last clause of M.D.R. 720 i.

Section (b) is derived from M.D.R. 720 a and b.  
Section (c) is new.  
Section (d) is new.  
Section (e) is new.