

HB0082/652611/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 82
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and J. Lewis” and substitute “J. Lewis, and Conaway”; strike lines 2 and 3 in their entirety and substitute “Public Safety – Pretrial Services Program Grant Fund – Extension and Program Requirements”; strike beginning with “requiring” in line 4 down through “release” in line 8 and substitute “prohibiting a pretrial services program that receives a certain grant from charging a fee to a defendant for participation in the program; extending the termination date of a certain Act; and generally relating to the Pretrial Services Program Grant Fund”; and strike in their entirety lines 9 through 13, inclusive, and substitute:

“BY repealing and reenacting, without amendments,

Article – Public Safety

Section 4–1101 through 4–1103

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 4–1104

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Chapter 771 of the Acts of the General Assembly of 2018

Section 2”.

AMENDMENT NO. 2

(Over)

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On page 1, strike in their entirety lines 16 through 23, inclusive, and substitute:

“Article – Public Safety

4–1101.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Eligible county” means:
 - (1) a county that does not provide defendants with pretrial services; or
 - (2) a county that does provide defendants with pretrial services, but seeks to improve the pretrial services to comply with § 4–1104 of this subtitle.
- (c) “Executive Director” means the Executive Director of the Governor’s Office of Crime Control and Prevention.
- (d) “Fund” means the Pretrial Services Program Grant Fund.
- (e) “Pretrial services program” means a program established in accordance with § 4–1104 of this subtitle.

4–1102.

- (a) There is a Pretrial Services Program Grant Fund.
- (b) The purpose of the Fund is to provide grants to eligible counties to:
 - (1) establish pretrial services programs; or

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(2) improve existing pretrial services programs to comply with § 4-1104 of this subtitle.

(c) The Executive Director shall administer the Fund.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund in conjunction with the Executive Director.

(e) The Fund consists of:

(1) money appropriated in the State budget to the Fund;

(2) interest earnings of the Fund; and

(3) any other money from any other source accepted for the benefit of the Fund.

(f) The Fund may be used only to provide grants to eligible counties to establish or improve pretrial services programs.

(g) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

(h) Expenditures from the Fund may be made only in accordance with the State budget.

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(i) The accounts and transactions of the Fund shall be subject to audit by the Legislative Auditor as provided in § 2–1220 of the State Government Article.

4–1103.

(a) The Executive Director shall:

(1) establish procedures for eligible counties to apply for and receive grants from the Fund; and

(2) solicit grant proposals from eligible counties.

(b) An eligible county that applies for a grant from the Fund shall provide the Executive Director with:

(1) a description of how the proposed pretrial services program or proposed pretrial services program improvements will meet the requirements of § 4–1104 of this subtitle; and

(2) any other information that the Executive Director considers necessary.

(c) The Executive Director shall make grants from the Fund to eligible counties for the establishment or improvement of a pretrial services program in accordance with § 4–1104 of this subtitle.

(d) An eligible county that receives a grant from the Fund shall submit to the Executive Director proof of the expenditure of the grant funds.

(e) Money distributed under this subtitle shall be used to supplement and not supplant any other funding for the establishment or improvement of a pretrial services program.

4-1104.

(A) A pretrial services program established or improved using a grant distributed in accordance with § 4-1103 of this subtitle shall:

(1) use a validated, evidence-based, race-neutral risk scoring instrument that is consistent with the Maryland Rules to make recommendations to a judicial officer to determine whether a defendant:

(i) is eligible for release:

1. on personal recognizance; or

2. with appropriate pretrial supervision; or

(ii) should be held without bail;

(2) apply best practices shown to be effective in other jurisdictions; and

(3) incorporate multiple levels of supervision based on defendant risk scores with features that include:

(i) cellular telephone reminders of a defendant's hearing date;

(ii) drug and alcohol testing;

(iii) global positioning satellite monitoring, if applicable; and

(iv) substance abuse, mental health, or mediation referrals, if approved by the judicial officer and available in the eligible county.

(Over)

(B) A PRETRIAL SERVICES PROGRAM THAT RECEIVES A GRANT UNDER THIS SUBTITLE MAY NOT CHARGE A FEE TO ANY DEFENDANT FOR PARTICIPATION IN THE PROGRAM.

Chapter 771 of the Acts of 2018

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018. It shall remain effective for a period of [5] 10 years and, at the end of June 30, [2023] 2028, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.