

HOUSE BILL 1234

E1, E2

0lr2771

By: **Delegates Ramirez, Vallario, Barnes, Levi, and Walker**

Introduced and read first time: February 18, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Violation of Condition of Pretrial or Posttrial Release**

3 FOR the purpose of authorizing a police officer to arrest a person without a warrant if
4 the police officer has probable cause to believe that the person has violated a
5 condition of pretrial or posttrial release; prohibiting a person from violating a
6 certain condition of pretrial or posttrial release; establishing a penalty for a
7 violation of certain conditions of pretrial or posttrial release; and generally
8 relating to violation of a condition of pretrial or posttrial release.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 2–203
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2009 Supplement)

14 BY adding to
15 Article – Criminal Procedure
16 Section 5–213.1
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2009 Supplement)

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

21 **Article – Criminal Procedure**

22 2–203.

23 (a) A police officer without a warrant may arrest a person if the police officer
24 has probable cause to believe:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) that the person has committed a crime listed in subsection (b) of
2 this section; and

3 (2) that unless the person is arrested immediately, the person:

4 (i) may not be apprehended;

5 (ii) may cause physical injury or property damage to another; or

6 (iii) may tamper with, dispose of, or destroy evidence.

7 (b) The crimes referred to in subsection (a)(1) of this section are:

8 (1) manslaughter by vehicle or vessel under § 2–209 of the Criminal
9 Law Article;

10 (2) malicious burning under § 6–104 or § 6–105 of the Criminal Law
11 Article or an attempt to commit the crime;

12 (3) malicious mischief under § 6–301 of the Criminal Law Article or an
13 attempt to commit the crime;

14 (4) a theft crime where the value of the property or services stolen is
15 less than \$500 under § 7–104 or § 7–105 of the Criminal Law Article or an attempt to
16 commit the crime;

17 (5) the crime of giving or causing to be given a false alarm of fire
18 under § 9–604 of the Criminal Law Article;

19 (6) indecent exposure under § 11–107 of the Criminal Law Article;

20 (7) a crime that relates to controlled dangerous substances under Title
21 5 of the Criminal Law Article or an attempt to commit the crime;

22 (8) the wearing, carrying, or transporting of a handgun under § 4–203
23 or § 4–204 of the Criminal Law Article;

24 (9) carrying or wearing a concealed weapon under § 4–101 of the
25 Criminal Law Article; [and]

26 (10) prostitution and related crimes under Title 11, Subtitle 3 of the
27 Criminal Law Article; AND

28 **(11) VIOLATION OF A CONDITION OF PRETRIAL OR POSTTRIAL**
29 **RELEASE UNDER § 5–213.1 OF THIS ARTICLE.**

30 **5–213.1.**

1 **(A) A PERSON MAY NOT VIOLATE A CONDITION OF PRETRIAL OR**
2 **POSTTRIAL RELEASE TO WHICH THE PERSON IS SUBJECT.**

3 **(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS**
4 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO**
5 **IMPRISONMENT NOT EXCEEDING 90 DAYS.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2010.