

HOUSE BILL 338

E2

2lr0945
CF 2lr2759

By: **Delegates Hough, Afzali, Cluster, DeBoy, Eckardt, Glass, Haddaway–Riccio, K. Kelly, Krebs, McComas, McDermott, Parrott, Schuh, Schulz, Simmons, and Stocksdales**

Introduced and read first time: January 30, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Pretrial Release – Restrictions**

3 FOR the purpose of prohibiting a District Court commissioner from authorizing the
4 pretrial release of a defendant who is charged with certain crimes; providing
5 that a judge may authorize the pretrial release of a certain defendant on certain
6 conditions and cash bail, a corporate surety bond, or a certain property bond;
7 creating a rebuttable presumption that a certain defendant will flee and pose a
8 danger to another person or the community; and generally relating to pretrial
9 release and restrictions on pretrial release.

10 BY adding to

11 Article – Criminal Procedure

12 Section 5–202(j)

13 Annotated Code of Maryland

14 (2008 Replacement Volume and 2011 Supplement)

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

17 **Article – Criminal Procedure**

18 5–202.

19 **(J) (1) A DISTRICT COURT COMMISSIONER MAY NOT AUTHORIZE**
20 **THE PRETRIAL RELEASE OF A DEFENDANT CHARGED WITH COMMITTING ONE OF**
21 **THE FOLLOWING CRIMES:**

22 **(I) MURDER;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 **(II) MANSLAUGHTER;**
2 **(III) KIDNAPPING;**
3 **(IV) SEXUAL OFFENSE IN THE FIRST DEGREE;**
4 **(V) SEXUAL OFFENSE IN THE SECOND DEGREE;**
5 **(VI) SEXUAL OFFENSE IN THE THIRD DEGREE;**
6 **(VII) ASSAULT WITH INTENT TO COMMIT A SEXUAL OFFENSE**
7 **IN THE FIRST DEGREE;**
8 **(VIII) ASSAULT WITH INTENT TO COMMIT A SEXUAL OFFENSE**
9 **IN THE SECOND DEGREE;**
10 **(IX) SEXUAL ABUSE OF A MINOR; OR**
11 **(X) CARJACKING.**

12 **(2) A JUDGE MAY AUTHORIZE THE PRETRIAL RELEASE OF A**
13 **DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION ON:**

14 **(I) ANY CONDITIONS THAT WILL REASONABLY ENSURE**
15 **THAT THE DEFENDANT WILL NOT FLEE OR POSE A DANGER TO ANOTHER**
16 **PERSON OR THE COMMUNITY; AND**

17 **(II) 1. SUITABLE FULL CASH BAIL;**

18 **2. A BOND EXECUTED BY A CORPORATE SURETY**
19 **AUTHORIZED TO DO BUSINESS IN THE STATE; OR**

20 **3. A BAIL BOND SECURED BY REAL PROPERTY**
21 **LOCATED IN THE STATE WITH UNENCUMBERED EQUITY EQUAL TO THE AMOUNT**
22 **OF BAIL UNDERTAKING PLUS \$20,000.**

23 **(3) THERE IS A REBUTTABLE PRESUMPTION THAT A DEFENDANT**
24 **DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WILL FLEE AND POSE A**
25 **DANGER TO ANOTHER PERSON OR THE COMMUNITY.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2012.