

HOUSE BILL 480

E2

8lr1613
CF 8lr2734

By: **Delegates Mosby, Ali, Barron, Gibson, Gutierrez, Hayes, Hettleman, J. Lewis, Queen, Sanchez, Sydnor, and P. Young**

Introduced and read first time: January 25, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Pretrial Release – Fees**

3 FOR the purpose of repealing a certain requirement that a certain defendant pay a certain
4 fee to a certain private home detention monitoring agency; providing that a
5 defendant who is subject to pretrial release may not be required to pay for certain
6 services provided or security measures taken by the State, a county, or another entity
7 acting on behalf of the State or a county; and generally relating to pretrial release.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 5–201
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2017 Supplement)

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

15 **Article – Criminal Procedure**

16 5–201.

17 (a) (1) The court or a District Court commissioner shall consider including, as
18 a condition of pretrial release for a defendant, reasonable protections for the safety of the
19 alleged victim.

20 (2) If a victim has requested reasonable protections for safety, the court or
21 a District Court commissioner shall consider including, as a condition of pretrial release,
22 provisions regarding no contact with the alleged victim or the alleged victim’s premises or
23 place of employment.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) [(1)] In accordance with eligibility criteria, conditions, and procedures
2 required under the Maryland Rules, the court may require, as a condition of a defendant's
3 pretrial release, that the defendant be monitored by a private home detention monitoring
4 agency licensed under Title 20 of the Business Occupations and Professions Article.

5 [(2)] A defendant placed in private home detention under paragraph (1) of
6 this subsection shall pay directly to the private home detention monitoring agency the
7 agency's monitoring fee.]

8 (c) (1) **THIS SUBSECTION DOES NOT APPLY TO BAIL BOND SERVICES.**

9 (2) **A DEFENDANT WHO IS SUBJECT TO PRETRIAL RELEASE MAY NOT**
10 **BE REQUIRED TO PAY FOR ANY PRETRIAL SERVICES PROVIDED OR PRETRIAL**
11 **SECURITY MEASURES TAKEN BY THE STATE, A COUNTY, OR ANOTHER ENTITY**
12 **ACTING ON BEHALF OF THE STATE OR A COUNTY.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2018.