

HB0049/302818/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 49
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Assessment” and substitute “Scoring”; in line 3, strike “aid” and substitute “assist”; in line 6, after “period;” insert “making an independent validation study conducted in accordance with this Act for a certain instrument used in a certain pretrial services program eligible for certain grant funding;”; in the same line, strike “a”; in the same line, strike “term” and substitute “terms; providing for a delayed effective date”; and after line 12, insert:

“BY repealing and reenacting, with amendments,

Article - Public Safety

Section 4-1101, 4-1102(b), 4-1103(b), and 4-1104

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article - Public Safety

Section 4-1102(a)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)”.

AMENDMENT NO. 2

On page 1, in lines 17 and 21, in each instance, strike “ASSESSMENT” and substitute “**SCORING**”; and in line 18, strike “DETERMINE” and substitute “**ASSIST IN DETERMINING**”.

On page 2, in line 1, strike “ASSESSMENT” and substitute “**SCORING**”; in the same line, strike “**3**” and substitute “**5**”; after line 1, insert:

(Over)

“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 RISK SCORING INSTRUMENT VALIDATION” MEANS AN INDEPENDENT VALIDATION STUDY OF A PRETRIAL RISK SCORING TOOL UNDER § 5–103 OF THE CRIMINAL PROCEDURE ARTICLE.**
- (F) “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]

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

(3) CONDUCT PRETRIAL RISK SCORING INSTRUMENT VALIDATIONS IN COMPLIANCE WITH § 5-103 OF THE CRIMINAL PROCEDURE ARTICLE.

4-1103.

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

(1) a description of how:

(I) the proposed pretrial services program or proposed pretrial services program improvements will meet the requirements of § 4-1104 of this subtitle; OR

(II) THE PRETRIAL SERVICES PROGRAM FOR WHICH THE PRETRIAL RISK SCORING INSTRUMENT VALIDATION IS PROPOSED MEETS THE REQUIREMENTS OF § 4-1104 OF THIS SUBTITLE; and

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

4-1104.

A pretrial services program established [or], improved, OR FOR WHICH A PRETRIAL RISK SCORING INSTRUMENT VALIDATION IS CONDUCTED 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.”;

and in line 3, strike “October 1, 2020” and substitute “July 1, 2021”.