
By: Prince George's County Delegation

Introduced and read first time: January 30, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Pretrial Release for Defendants Charged with Crimes of**
3 **Violence**
4 **PG 314-97**

5 FOR the purpose of prohibiting in Prince George's County a District Court
6 Commissioner from releasing pretrial a defendant who has been charged with a
7 crime of violence if the defendant has previously been convicted of a crime of
8 violence; allowing a judge to release pretrial a defendant under certain
9 circumstances; requiring a judge to order the detention of a defendant prior to trial
10 under certain circumstances; establishing a rebuttable presumption; and generally
11 relating to pretrial release in Prince George's County.

12 BY adding to
13 Article 27 - Crimes and Punishments
14 Section 616 1/2(m)
15 Annotated Code of Maryland
16 (1996 Replacement Volume)

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

19 **Article 27 - Crimes and Punishments**

20 616 1/2.

21 (M) (1) IN PRINCE GEORGE'S COUNTY, A DISTRICT COURT COMMISSIONER
22 MAY NOT AUTHORIZE THE RELEASE PRETRIAL OF A DEFENDANT WHO HAS BEEN
23 CHARGED WITH A CRIME OF VIOLENCE UNDER § 643B OF THIS ARTICLE IF THE
24 DEFENDANT HAS BEEN PREVIOUSLY CONVICTED OF A CRIME OF VIOLENCE.

25 (2) (I) A JUDGE MAY ALLOW THE RELEASE PRETRIAL OF A
26 DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION PENDING TRIAL
27 ON SUITABLE BAIL AND ON ANY OTHER CONDITIONS THAT WILL REASONABLY
28 ASSURE THAT THE DEFENDANT WILL NOT FLEE OR POSE A DANGER TO ANOTHER
29 PERSON OR THE COMMUNITY.

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1 (II) IF, AFTER A HEARING HELD UNDER RULE 4-216(G) OF THE
2 MARYLAND RULES, A JUDGE FINDS THAT NEITHER SUITABLE BAIL NOR ANY
3 CONDITION OR COMBINATION OF CONDITIONS WILL REASONABLY ASSURE THAT A
4 DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WILL NOT FLEE
5 OR POSE A DANGER TO ANOTHER PERSON OR THE COMMUNITY, THE JUDGE SHALL
6 ORDER THE DETENTION OF THE DEFENDANT PRIOR TO TRIAL.

7 (3) A REBUTTABLE PRESUMPTION EXISTS THAT ANY DEFENDANT
8 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WILL FLEE AND POSE A
9 DANGER TO ANOTHER PERSON OR THE COMMUNITY.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 1997.