

SENATE BILL 276

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2000 Regular Session  
0lr1943  
CF 0lr1682

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By: **Senators Jacobs, Hooper, ~~and Collins~~ Collins, and Forehand**

Introduced and read first time: January 31, 2000

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2000

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Domestic Violence - Violations of Ex Parte and Protective Orders - ~~Denial of~~**  
3 **Bail Pretrial Release**

4 FOR the purpose of ~~requiring that a court deny a person bail when that person is~~  
5 ~~arrested a second or subsequent time for violating a certain ex parte order; and~~  
6 ~~generally relating to the denial of bail for multiple violations of certain ex parte~~  
7 ~~orders prohibiting a District Court commissioner from authorizing the pretrial~~  
8 ~~release of a defendant charged with violating certain provisions of an ex parte~~  
9 ~~order while released on bail or personal recognizance for a previous charge of~~  
10 ~~violating an ex parte order; prohibiting a District Court commissioner from~~  
11 ~~authorizing the pretrial release of a defendant charged with violating certain~~  
12 ~~provisions of a protective order while released on bail or personal recognizance~~  
13 ~~for a previous charge of violating a protective order; and generally relating to~~  
14 ~~pretrial release of certain defendants charged with violating certain provisions~~  
15 ~~of an ex parte order or protective order under certain circumstances.~~

16 BY repealing and reenacting, with amendments,  
17 ~~Article Family Law Article 27 - Crimes and Punishments~~  
18 ~~Section 4-509 616 1/2(n)~~  
19 Annotated Code of Maryland  
20 (~~1999~~ 1996 Replacement Volume and 1999 Supplement)

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

1

**Article—Family Law**

2 4-509.

3 (a) A person who fails to comply with the relief granted in an ex parte order  
 4 under § 4-505(a)(2)(i), (ii), (iii), (iv), or (v) of this subtitle or in a protective order under  
 5 § 4-506(d)(1), (2), (3), (4), or (5) of this subtitle is guilty of a misdemeanor and on  
 6 conviction is subject, for each offense, to:

7 (1) for a first offense, a fine not exceeding \$1,000 or imprisonment not  
 8 exceeding 90 days or both; and

9 (2) for a second or subsequent offense, a fine not exceeding \$2,500 or  
 10 imprisonment not exceeding 1 year or both.

11 (b) An officer shall arrest with or without a warrant and take into custody a  
 12 person whom the officer has probable cause to believe is in violation of an ex parte  
 13 order or protective order in effect at the time of the violation.

14 (C) ~~WHEN A PERSON IS ARRESTED A SECOND OR SUBSEQUENT TIME FOR~~  
 15 ~~FAILING TO COMPLY WITH THE RELIEF GRANTED IN AN EX PARTE ORDER UNDER §~~  
 16 ~~4-505(A)(2)(I), (II), (III), (IV), OR (V) OF THIS SUBTITLE, THE COURT SHALL DENY THAT~~  
 17 ~~PERSON BAIL.~~

18

**Article 27 - Crimes and Punishments**19 616 1/2.

20 (n) (1) A District Court commissioner may not authorize the pretrial release  
 21 of a defendant charged with violating:

22 (i) The provisions of an ex parte order described in § 4-505(a)(2)(i)  
 23 of the Family Law Article or the provisions of a protective order described in §  
 24 4-506(d)(1) of the Family Law Article that order the defendant to refrain from  
 25 abusing or threatening to abuse a person eligible for relief; [or]

26 (ii) The provisions of a protective order issued by a court of another  
 27 state or of a Native American tribe that order the defendant to refrain from abusing  
 28 or threatening to abuse a person eligible for relief, if the order is enforceable under §  
 29 4-508.1 of the Family Law Article;

30 (III) THE PROVISIONS OF AN EX PARTE ORDER DESCRIBED IN §  
 31 4-505(A)(2)(II), (III), (IV), OR (V) OF THE FAMILY LAW ARTICLE WHILE THE DEFENDANT  
 32 WAS RELEASED ON BAIL OR PERSONAL RECOGNIZANCE FOR A PREVIOUS CHARGE OF  
 33 VIOLATING THE PROVISIONS OF AN EX PARTE ORDER DESCRIBED IN § 4-505(A)(2) OF  
 34 THE FAMILY LAW ARTICLE; OR

35 (IV) THE PROVISIONS OF A PROTECTIVE ORDER DESCRIBED IN §  
 36 4-506(D)(2), (3), (4), OR (5) OF THE FAMILY LAW ARTICLE WHILE THE DEFENDANT WAS  
 37 RELEASED ON BAIL OR PERSONAL RECOGNIZANCE FOR A PREVIOUS CHARGE OF

1 VIOLATING THE PROVISIONS OF A PROTECTIVE ORDER DESCRIBED IN § 4-506(D) OF  
2 THE FAMILY LAW ARTICLE.

3                   (2)     (i)     A judge may allow the pretrial release of a defendant described  
4 in paragraph (1) of this subsection pending trial on:

5                                   1.     Suitable bail;

6                                   2.     Any other conditions that will reasonably assure that the  
7 defendant will not flee or pose a danger to another person or the community; or

8                                   3.     Both bail and other conditions described under item 2 of  
9 this subparagraph.

10                           (ii)     After a defendant described in paragraph (1) of this subsection  
11 has been presented to the court pursuant to Maryland Rule 4-216(g), the judge shall  
12 order the continued detention of the defendant if the judge determines that neither  
13 suitable bail nor any condition or combination of conditions will reasonably assure  
14 that the defendant will not flee or pose a danger to another person or the community  
15 prior to the trial.

16     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2000.