

HOUSE BILL 1259

E2

3lr2751

By: **Delegates Glenn, B. Robinson, and Conaway**

Introduced and read first time: February 8, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Elder Abuse or Neglect – Restrictions on Pretrial Release**

3 FOR the purpose of prohibiting a District Court commissioner from authorizing the
4 pretrial release of a defendant charged with causing abuse or neglect of a
5 vulnerable adult in the first or second degree; providing that a judge may
6 authorize the pretrial release of the defendant on certain conditions; requiring
7 the judge to order the continued detention of the defendant if neither suitable
8 bail nor other conditions will reasonably ensure that the defendant will not flee
9 or pose a danger to a certain person or the community before the trial; and
10 generally relating to elder abuse or neglect.

11 BY adding to

12 Article – Criminal Procedure

13 Section 5–202(h)

14 Annotated Code of Maryland

15 (2008 Replacement Volume and 2012 Supplement)

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

18 **Article – Criminal Procedure**

19 5–202.

20 **(H) (1) A DISTRICT COURT COMMISSIONER MAY NOT AUTHORIZE**
21 **THE PRETRIAL RELEASE OF A DEFENDANT CHARGED WITH CAUSING ABUSE OR**
22 **NEGLECT OF A VULNERABLE ADULT IN THE FIRST DEGREE UNDER § 3–604 OF**
23 **THE CRIMINAL LAW ARTICLE OR IN THE SECOND DEGREE UNDER § 3–605 OF**
24 **THE CRIMINAL LAW ARTICLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **(I) SUITABLE BAIL THAT EXCEEDS \$5,000;**

4 **(II) RETENTION OF PASSPORT;**

5 **(III) ANY OTHER CONDITION THAT WILL REASONABLY**
6 **ENSURE THAT THE DEFENDANT WILL NOT FLEE THE STATE OR THE COUNTRY**
7 **OR POSE A DANGER TO ANOTHER PERSON OR THE COMMUNITY; OR**

8 **(IV) A COMBINATION OF BAIL, RETENTION OF PASSPORT,**
9 **AND OTHER CONDITIONS DESCRIBED UNDER ITEMS (I), (II), AND (III) OF THIS**
10 **PARAGRAPH.**

11 **(3) WHEN A DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS**
12 **SUBSECTION IS PRESENTED TO THE COURT UNDER MARYLAND RULE 4-216(F),**
13 **THE JUDGE SHALL ORDER THE CONTINUED DETENTION OF THE DEFENDANT IF**
14 **THE JUDGE DETERMINES THAT NEITHER SUITABLE BAIL NOR ANY CONDITION**
15 **OR COMBINATION OF CONDITIONS WILL REASONABLY ENSURE THAT THE**
16 **DEFENDANT WILL NOT FLEE THE STATE OR THE COUNTRY OR POSE A DANGER**
17 **TO ANOTHER PERSON OR THE COMMUNITY BEFORE THE TRIAL.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2013.