

HOUSE BILL 746

E2
HB 1109/13 – JUD

4lr2544

By: **Delegates Carter, Anderson, Oaks, and Smigiel**
Introduced and read first time: February 3, 2014
Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

Criminal Procedure – Defendants Held on No–Bail Status – Comprehensive Evidence–Based Risk Assessment

FOR the purpose of providing that in a case that does not involve a charge of a certain crime of violence, if a court orders a defendant to be held on no–bail status, the applicable pretrial services unit shall immediately perform a certain risk assessment to make a certain determination; providing that on completion of a certain risk assessment, the court shall immediately conduct a certain hearing to review the no–bail status in light of the results of the risk assessment; and generally relating to defendants held on no–bail status.

BY adding to
Article – Criminal Procedure
Section 5–103
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

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

Article – Criminal Procedure

5–103.

(A) IN A CASE THAT DOES NOT INVOLVE A CHARGE OF A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE, IF A COURT ORDERS A DEFENDANT TO BE HELD ON NO–BAIL STATUS, THE APPLICABLE PRETRIAL SERVICES UNIT SHALL IMMEDIATELY PERFORM A COMPREHENSIVE EVIDENCE–BASED RISK ASSESSMENT OF THE DEFENDANT TO

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



DETERMINE THE LIKELIHOOD THAT THE DEFENDANT WILL FLEE OR POSE A DANGER TO ANOTHER PERSON OR THE COMMUNITY.

(B) ON COMPLETION OF THE RISK ASSESSMENT, THE COURT SHALL IMMEDIATELY CONDUCT A HEARING TO REVIEW THE NO-BAIL STATUS IN LIGHT OF THE RESULTS OF THE RISK ASSESSMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.