

Chapter 616

(House Bill 166)

AN ACT concerning

**Criminal Procedure – Pretrial Release – ~~Nonresident~~
Out-of-State Sex Offenders**

FOR the purpose of prohibiting a District Court commissioner from authorizing the pretrial release of a defendant who ~~is not a resident of the State and~~ is a sex offender subject to certain registration requirements outside the State; and generally relating to pretrial release.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 5–202(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)

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

Article – Criminal Procedure

5–202.

(g) (1) A District Court commissioner may not authorize the pretrial release of a defendant who:

(I) is registered under Title 11, Subtitle 7 of this article; OR

(II) ~~IS NOT A RESIDENT OF THIS STATE AND~~ IS A SEX OFFENDER WHO IS REQUIRED TO REGISTER BY ANOTHER JURISDICTION, A FEDERAL, MILITARY, OR TRIBAL COURT, OR A FOREIGN GOVERNMENT.

(2) (i) A judge may authorize the pretrial release of a defendant described in paragraph (1) of this subsection on:

1. suitable bail;
2. any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community; or
3. both bail and other conditions described under item 2 of this subparagraph.

(ii) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule 4–216(f), the judge shall order the continued detention of the defendant if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.

(3) There is a rebuttable presumption that a defendant described in paragraph (1) of this subsection will flee and pose a danger to another person or the community.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.