

HOUSE BILL 166

E2

6lr1236

By: **Delegates Valentino-Smith, Cluster, Sanchez, Smith, and B. Wilson**

Introduced and read first time: January 21, 2016

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2016

CHAPTER _____

1 AN ACT concerning

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

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

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 5–202(g)
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2015 Supplement)

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

15 **Article – Criminal Procedure**

16 5–202.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

6 1. suitable bail;

7 2. any other conditions that will reasonably ensure that the
 8 defendant will not flee or pose a danger to another person or the community; or

9 3. both bail and other conditions described under item 2 of
 10 this subparagraph.

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.