

HOUSE BILL 1126

E4

6lr0934

By: **Prince George's County Delegation**

Introduced and read first time: February 11, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Pretrial Release Program**

3 **PG 307–16**

4 FOR the purpose of requiring an administrator of a Prince George's County detention
5 center to establish a certain pretrial release program and to adopt certain
6 regulations; authorizing a court to order an individual to participate in a pretrial
7 release program under certain circumstances; establishing when a court may order
8 an individual to participate in a pretrial release program; requiring the
9 administrator to consult with the Prince George's County State's Attorney's Office to
10 establish conditions and requirements for participation in a pretrial release
11 program, establish and administer certain activities, provide certain information
12 and guidance to certain organizations participating in pretrial release programs, act
13 as a liaison with certain organizations participating in a pretrial release program,
14 and maintain final authority over participation in a pretrial release program;
15 establishing certain criteria that may be used to determine participation in a pretrial
16 release program; requiring that the administrator provide certain information to
17 certain entities following the successful completion of a pretrial release program by
18 a participant; authorizing an administrator to charge a fee for participation in a
19 pretrial release program; limiting the fee that may be charged for participation in a
20 pretrial release program; and generally relating to pretrial release programs in
21 Prince George's County.

22 BY repealing and reenacting, without amendments,
23 Article – Correctional Services
24 Section 11–718(a) and (b)
25 Annotated Code of Maryland
26 (2008 Replacement Volume and 2015 Supplement)

27 BY adding to
28 Article – Correctional Services

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 11–718(g)
2 Annotated Code of Maryland
3 (2008 Replacement Volume and 2015 Supplement)

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

6 **Article – Correctional Services**

7 11–718.

8 (a) In this section, “administrator” means an administrator of a county detention
9 center.

10 (b) This section applies only in Prince George’s County.

11 **(G) (1) AN ADMINISTRATOR SHALL:**

12 **(I) ESTABLISH A PRETRIAL RELEASE PROGRAM THAT OFFERS**
13 **ALTERNATIVES TO PRETRIAL DETENTION; AND**

14 **(II) ADOPT REGULATIONS TO CARRY OUT THE PROGRAM.**

15 **(2) A COURT MAY ORDER AN INDIVIDUAL TO PARTICIPATE IN THE**
16 **PRETRIAL RELEASE PROGRAM IF THE INDIVIDUAL APPEARS BEFORE THE COURT**
17 **AFTER BEING CHARGED AND DETAINED ON BOND.**

18 **(3) THE COURT MAY ENTER THE ORDER AT THE IMPOSITION OF**
19 **BOND, ON REVIEW OF BOND, OR AT ANY OTHER TIME DURING THE INDIVIDUAL’S**
20 **PRETRIAL DETENTION.**

21 **(4) A PRETRIAL RELEASE PROGRAM MAY INCLUDE:**

22 **(I) A DIVERSION PROGRAM FOR OFFENDERS CHARGED WITH**
23 **DRUG–RELATED OFFENSES;**

24 **(II) A VOLUNTARY COMMUNITY SERVICE PROGRAM WITH A**
25 **PUBLIC OR NONPROFIT AGENCY; OR**

26 **(III) ANY OTHER PROGRAM THAT OFFERS ALTERNATIVE,**
27 **MEANINGFUL, AND COST–EFFECTIVE MEANS TO REDUCE THE FINANCIAL IMPACT TO**
28 **THE COURT AND THE COMMUNITY BY PROVIDING ELIGIBLE OFFENDERS WITH**
29 **PRODUCTIVE ALTERNATIVES TO CRIMINAL CONVICTION.**

30 **(5) THE ADMINISTRATOR SHALL:**

1 **(I) IN CONSULTATION WITH THE PRINCE GEORGE'S COUNTY**
2 **STATE'S ATTORNEY'S OFFICE, ESTABLISH CONDITIONS AND REQUIREMENTS FOR**
3 **PARTICIPATION IN A PRETRIAL RELEASE PROGRAM;**

4 **(II) ESTABLISH AND ADMINISTER ACTIVITIES NECESSARY TO**
5 **CARRY OUT THIS SUBSECTION;**

6 **(III) PROVIDE INFORMATION AND GUIDANCE TO PARTICIPATING**
7 **PUBLIC AND NONPROFIT AGENCIES;**

8 **(IV) ACT AS A LIAISON WITH RELEVANT CRIMINAL JUSTICE**
9 **AGENCIES AND DEPARTMENTS; AND**

10 **(V) MAINTAIN FINAL AUTHORITY OVER THE ELIGIBILITY OF A**
11 **PARTICIPANT IN A PRETRIAL RELEASE PROGRAM.**

12 **(6) CRITERIA USED TO DETERMINE PARTICIPATION IN A PRETRIAL**
13 **RELEASE PROGRAM MAY INCLUDE:**

14 **(I) PRIOR CRIMINAL HISTORY AND JUVENILE COURT**
15 **DISPOSITIONS;**

16 **(II) CURRENT CHARGES FOR CRIMES OR DELINQUENT ACTS;**

17 **(III) PROBATION STATUS IN OTHER CASES;**

18 **(IV) THE EXISTENCE OF ANY OTHER PENDING CRIMINAL OR**
19 **JUVENILE COURT CASES;**

20 **(V) PREVIOUS ENROLLMENT IN A PRETRIAL RELEASE**
21 **PROGRAM;**

22 **(VI) THE AGE OF THE ACCUSED; AND**

23 **(VII) WHETHER THE ACCUSED IS BELIEVED TO BE A DANGER TO**
24 **THE COMMUNITY.**

25 **(7) ON SUCCESSFUL COMPLETION OF A PRETRIAL RELEASE**
26 **PROGRAM'S REQUIREMENTS, THE ADMINISTRATOR SHALL PROVIDE NECESSARY**
27 **INFORMATION TO THE COURT, THE OFFICE OF THE STATE'S ATTORNEY, AND THE**
28 **RELEVANT JUVENILE AND CRIMINAL JUSTICE AGENCIES AND DEPARTMENTS.**

1 **(8) (I) THE ADMINISTRATOR MAY IMPOSE FEES ON PARTICIPANTS**
2 **IN A PRETRIAL RELEASE PROGRAM.**

3 **(II) FEES CHARGED FOR PARTICIPATION IN A PRETRIAL**
4 **RELEASE PROGRAM MAY NOT EXCEED THE REASONABLE COST OF ADMINISTERING**
5 **THE PRETRIAL RELEASE PROGRAM.**

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