**HB0374/288873/1**

<u>AMENDMENTS TO HOUSE BILL 374</u>
(Third Reading File Bill)

<u>AMENDMENT NO. 1</u>

On page 1, in line 2, strike "Crime of Violence" and substitute "<u>Crimes</u>"; in line 4, after "with" insert "<u>a crime of violence if the defendant has previously been convicted of a certain crime; prohibiting a District Court commissioner from authorizing release of a defendant charged with</u>"; and in line 18, strike "5-202(f)" and substitute "<u>5-202(c) and (f)</u>".

<u>AMENDMENT NO. 2</u>

On page 3, after line 22, insert:

"<u>(c)</u>      <u>(1)</u>      <u>A District Court commissioner may not authorize the pretrial release of a defendant charged with a crime of violence if the defendant has been previously convicted:</u>

<u>(i)</u>      <u>in this State of a crime of violence;</u> **[or]**

<u>(ii)</u>      <u>in any other jurisdiction of a crime that would be a crime of violence if committed in this State</u>**; OR**

**<u>(III)</u>      <u>OF AN OFFENSE LISTED IN SUBSECTION (F)(1) OF THIS SECTION</u>**<u>.</u>

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

<u>1.</u>      <u>suitable bail;</u>

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.".