

HOUSE BILL 1318

D2, E2

7lr0597

By: **Delegates Anderson, Conaway, Glenn, Hayes, McCray, Oaks, and Rosenberg**
Introduced and read first time: February 10, 2017
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Nonviolent Offenders – Release Without Bail**

3 FOR the purpose of requiring a judicial officer in Baltimore City to authorize the pretrial
4 release of a defendant not charged with a certain crime of violence under certain
5 conditions; prohibiting the use of secured monetary bail as a condition of pretrial
6 release of a defendant not charged with a certain crime of violence; defining a certain
7 term; and generally relating to pretrial release in Baltimore City.

8 BY adding to

9 Article – Criminal Procedure

10 Section 5–201.1

11 Annotated Code of Maryland

12 (2008 Replacement Volume and 2016 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 **5–201.1.**

17 **(A) IN THIS SECTION, “CRIME OF VIOLENCE” MEANS:**

18 **(1) ABDUCTION;**

19 **(2) ARSON IN THE FIRST DEGREE;**

20 **(3) ASSAULT IN THE FIRST OR SECOND DEGREE;**

21 **(4) BURGLARY IN ANY DEGREE;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(5) CARJACKING OR ARMED CARJACKING;**

2 **(6) CHILD ABUSE IN THE FIRST DEGREE UNDER § 3-601 OF THE**
3 **CRIMINAL LAW ARTICLE;**

4 **(7) CONTINUING COURSE OF CONDUCT WITH A CHILD UNDER § 3-315**
5 **OF THE CRIMINAL LAW ARTICLE;**

6 **(8) ESCAPE IN THE FIRST DEGREE;**

7 **(9) HOME INVASION UNDER § 6-202(B) OF THE CRIMINAL LAW**
8 **ARTICLE;**

9 **(10) KIDNAPPING;**

10 **(11) MANSLAUGHTER;**

11 **(12) MURDER IN ANY DEGREE;**

12 **(13) PROHIBITED POSSESSION OF A REGULATED FIREARM UNDER §**
13 **5-133 OF THE PUBLIC SAFETY ARTICLE;**

14 **(14) RAPE IN ANY DEGREE;**

15 **(15) ROBBERY UNDER § 3-402 OR § 3-403 OF THE CRIMINAL LAW**
16 **ARTICLE;**

17 **(16) SEX OFFENSE IN THE FIRST, SECOND, OR THIRD DEGREE;**

18 **(17) SEXUAL ABUSE OF A MINOR UNDER § 3-602 OF THE CRIMINAL**
19 **LAW ARTICLE IF:**

20 **(I) THE VICTIM IS UNDER THE AGE OF 13 YEARS AND THE**
21 **OFFENDER IS AN ADULT AT THE TIME OF THE OFFENSE; AND**

22 **(II) THE OFFENSE INVOLVED:**

23 1. **VAGINAL INTERCOURSE, AS DEFINED IN § 3-301 OF**
24 **THE CRIMINAL LAW ARTICLE;**

25 2. **A SEXUAL ACT, AS DEFINED IN § 3-301 OF THE**
26 **CRIMINAL LAW ARTICLE;**

1 **3. AN ACT IN WHICH A PART OF THE OFFENDER'S BODY**
2 **PENETRATES, HOWEVER SLIGHTLY, INTO THE VICTIM'S GENITAL OPENING OR ANUS;**
3 **OR**

4 **4. THE INTENTIONAL TOUCHING, NOT THROUGH THE**
5 **CLOTHING, OF THE VICTIM'S OR THE OFFENDER'S GENITAL, ANAL, OR OTHER**
6 **INTIMATE AREA FOR SEXUAL AROUSAL, GRATIFICATION, OR ABUSE;**

7 **(18) THEFT;**

8 **(19) USE OF A HANDGUN IN THE COMMISSION OF A FELONY OR OTHER**
9 **CRIME OF VIOLENCE;**

10 **(20) WEARING, CARRYING, OR TRANSPORTING A HANDGUN UNDER §**
11 **4-203 OF THE CRIMINAL LAW ARTICLE; OR**

12 **(21) AN ATTEMPT TO COMMIT ANY OF THE CRIMES DESCRIBED IN**
13 **ITEMS (1) THROUGH (20) OF THIS SUBSECTION.**

14 **(B) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.**

15 **(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A JUDICIAL OFFICER**
16 **SHALL AUTHORIZE THE PRETRIAL RELEASE OF A DEFENDANT WHO IS NOT CHARGED**
17 **WITH A CRIME OF VIOLENCE ON ANY CONDITIONS THAT WILL REASONABLY ENSURE**
18 **THAT THE DEFENDANT WILL NOT FLEE OR POSE A DANGER TO ANOTHER PERSON OR**
19 **THE COMMUNITY.**

20 **(D) NOTWITHSTANDING ANY OTHER LAW OR RULE TO THE CONTRARY, A**
21 **JUDICIAL OFFICER MAY NOT IMPOSE SECURED MONETARY BAIL AS A CONDITION OF**
22 **PRETRIAL RELEASE UNDER SUBSECTION (C) OF THIS SECTION.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2017.