

# SENATE BILL 228

E2

(9lr0381)

## ENROLLED BILL

— *Judicial Proceedings/Judiciary* —

Introduced by **Senators Ready, Bailey, Carozza, Hester, Hough, ~~and Salling~~ Salling, Zirkin, Smith, Carter, Cassilly, Lee, Waldstreicher, Washington, and West**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Criminal Procedure – Pretrial Release – Sex Offenders**

3 FOR the purpose of prohibiting a District Court commissioner from authorizing the pretrial  
4 release of a defendant who is required to register as a certain sex offender under  
5 certain circumstances; and generally relating to pretrial release and sex offenders.

6 BY repealing and reenacting, with amendments,

7 Article – Criminal Procedure

8 Section 5–202(g)

9 Annotated Code of Maryland

10 (2018 Replacement Volume)

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

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#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



## Article – Criminal Procedure

1  
2 5–202.

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

5 (i) is ~~registered~~, OR ~~IF THE COMMISSIONER KNOWS THE~~  
6 DEFENDANT IS REQUIRED TO REGISTER, under Title 11, Subtitle 7 of this article; or

7 (ii) is a sex offender who is required to register by another  
8 jurisdiction, a federal, military, or tribal court, or a foreign government.

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

11 1. suitable bail;

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

14 3. both bail and other conditions described under item 2 of  
15 this subparagraph.

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2019.