

HOUSE BILL 82

E2
HB 758/19 – JUD

0lr0306
CF SB 679

By: **Delegates Moon, Bartlett, Charkoudian, Crutchfield, Korman, ~~and J. Lewis~~
J. Lewis, and Conaway**

Introduced and read first time: January 13, 2020

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2020

CHAPTER _____

1 AN ACT concerning

2 ~~Criminal Procedure – Pretrial Release – Reimbursement of Special Condition~~
3 ~~Costs~~

4 Public Safety – Pretrial Services Program Grant Fund – Extension and Program
5 Requirements

6 FOR the purpose of ~~requiring the county to reimburse a defendant for the costs necessary~~
7 ~~to satisfy special conditions of release imposed by a court or District Court~~
8 ~~commissioner if all charges arising out of a certain incident receive a certain~~
9 ~~disposition; and generally relating to the reimbursement of costs for special~~
10 ~~conditions of release~~ prohibiting a pretrial services program that receives a certain
11 grant from charging a fee to a defendant for participation in the program; extending
12 the termination date of a certain Act; and generally relating to the Pretrial Services
13 Program Grant Fund.

14 ~~BY adding to~~

15 ~~Article – Criminal Procedure~~

16 ~~Section 5–301 to be under the new subtitle “Subtitle 3. Disposition”~~

17 ~~Annotated Code of Maryland~~

18 ~~(2018 Replacement Volume and 2019 Supplement)~~

19 BY repealing and reenacting, without amendments,

20 Article – Public Safety

21 Section 4–1101 through 4–1103

22 Annotated Code of Maryland

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 (2018 Replacement Volume and 2019 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article – Public Safety

4 Section 4–1104

5 Annotated Code of Maryland

6 (2018 Replacement Volume and 2019 Supplement)

7 BY repealing and reenacting, with amendments,

8 Chapter 771 of the Acts of the General Assembly of 2018

9 Section 2

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

12 ~~Article – Criminal Procedure~~

13 ~~SUBTITLE 3. DISPOSITION.~~

14 ~~5–301.~~

15 ~~THE COUNTY SHALL REIMBURSE A DEFENDANT FOR ANY COSTS INCURRED BY~~
16 ~~THE DEFENDANT TO SATISFY SPECIAL CONDITIONS IMPOSED, IN ACCORDANCE WITH~~
17 ~~MARYLAND RULE 4–216.1(D), BY A COURT OR DISTRICT COURT COMMISSIONER IF~~
18 ~~FOR ALL CHARGES ARISING OUT OF THE SAME INCIDENT, TRANSACTION, OR SET OF~~
19 ~~FACTS THE DEFENDANT IS FOUND NOT GUILTY.~~

20 Article – Public Safety

21 4–1101.

22 (a) In this subtitle the following words have the meanings indicated.

23 (b) “Eligible county” means:

24 (1) a county that does not provide defendants with pretrial services; or

25 (2) a county that does provide defendants with pretrial services, but seeks
26 to improve the pretrial services to comply with § 4–1104 of this subtitle.

27 (c) “Executive Director” means the Executive Director of the Governor’s Office of
28 Crime Control and Prevention.

29 (d) “Fund” means the Pretrial Services Program Grant Fund.

1 (e) “Pretrial services program” means a program established in accordance with
2 § 4–1104 of this subtitle.

3 4–1102.

4 (a) There is a Pretrial Services Program Grant Fund.

5 (b) The purpose of the Fund is to provide grants to eligible counties to:

6 (1) establish pretrial services programs; or

7 (2) improve existing pretrial services programs to comply with § 4–1104 of
8 this subtitle.

9 (c) The Executive Director shall administer the Fund.

10 (d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of
11 the State Finance and Procurement Article.

12 (2) The State Treasurer shall hold the Fund separately, and the
13 Comptroller shall account for the Fund in conjunction with the Executive Director.

14 (e) The Fund consists of:

15 (1) money appropriated in the State budget to the Fund;

16 (2) interest earnings of the Fund; and

17 (3) any other money from any other source accepted for the benefit of the
18 Fund.

19 (f) The Fund may be used only to provide grants to eligible counties to establish
20 or improve pretrial services programs.

21 (g) (1) The State Treasurer shall invest the money of the Fund in the same
22 manner as other State money may be invested.

23 (2) Any interest earnings of the Fund shall be credited to the Fund.

24 (h) Expenditures from the Fund may be made only in accordance with the State
25 budget.

26 (i) The accounts and transactions of the Fund shall be subject to audit by the
27 Legislative Auditor as provided in § 2–1220 of the State Government Article.

28 4–1103.

1 (a) The Executive Director shall:

2 (1) establish procedures for eligible counties to apply for and receive grants
3 from the Fund; and

4 (2) solicit grant proposals from eligible counties.

5 (b) An eligible county that applies for a grant from the Fund shall provide the
6 Executive Director with:

7 (1) a description of how the proposed pretrial services program or proposed
8 pretrial services program improvements will meet the requirements of § 4–1104 of this
9 subtitle; and

10 (2) any other information that the Executive Director considers necessary.

11 (c) The Executive Director shall make grants from the Fund to eligible counties
12 for the establishment or improvement of a pretrial services program in accordance with §
13 4–1104 of this subtitle.

14 (d) An eligible county that receives a grant from the Fund shall submit to the
15 Executive Director proof of the expenditure of the grant funds.

16 (e) Money distributed under this subtitle shall be used to supplement and not
17 supplant any other funding for the establishment or improvement of a pretrial services
18 program.

19 4–1104.

20 (A) A pretrial services program established or improved using a grant distributed
21 in accordance with § 4–1103 of this subtitle shall:

22 (1) use a validated, evidence-based, race-neutral risk scoring instrument
23 that is consistent with the Maryland Rules to make recommendations to a judicial officer
24 to determine whether a defendant:

25 (i) is eligible for release:

26 1. on personal recognizance; or

27 2. with appropriate pretrial supervision; or

28 (ii) should be held without bail;

29 (2) apply best practices shown to be effective in other jurisdictions; and

1 (3) incorporate multiple levels of supervision based on defendant risk
2 scores with features that include:

3 (i) cellular telephone reminders of a defendant’s hearing date;

4 (ii) drug and alcohol testing;

5 (iii) global positioning satellite monitoring, if applicable; and

6 (iv) substance abuse, mental health, or mediation referrals, if
7 approved by the judicial officer and available in the eligible county.

8 **(B) A PRETRIAL SERVICES PROGRAM THAT RECEIVES A GRANT UNDER THIS**
9 **SUBTITLE MAY NOT CHARGE A FEE TO ANY DEFENDANT FOR PARTICIPATION IN THE**
10 **PROGRAM.**

11 **Chapter 771 of the Acts of 2018**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2018. It shall remain effective for a period of [5] 10 years and, at the end of June 30,
14 [2023] 2028, this Act, with no further action required by the General Assembly, shall be
15 abrogated and of no further force and effect.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.