

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



KELLEY O'CONNOR  
ASSISTANT STATE COURT  
ADMINISTRATOR  
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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 734  
Real Time for Violent Crime Act  
**DATE:** February 5, 2025  
(2/18)  
**POSITION:** Oppose, as drafted

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The Maryland Judiciary opposes House Bill 734, as drafted.

The Judiciary has no position on the policy aims of this legislation but is concerned with the language which limits the discretion of a judicial officer. This provision does not just restrict commissioners from releasing a defendant charged with a crime of violence but also restricts “a judicial officer” (which includes a judge), from doing the same. Currently, Maryland law gives judges’ discretion to authorize pretrial release for defendants in cases that would be subject to the bill. The bill would remove that discretion. The Judiciary traditionally opposes legislation that includes mandatory provisions. The Judiciary believes it is important for judges and judicial officers to weigh the facts and circumstances for each individual case.

Moreover, by creating a blanket rule prohibiting pretrial release for certain defendants, this bill conflicts with Maryland Rule 4-216.1(b) which requires that decisions whether to grant pretrial release be based on the “specific facts and circumstances applicable to the particular defendant[.]”

cc. Hon. Jason Buckel  
Judicial Council  
Legislative Committee  
Kelley O'Connor