

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL NO. 497

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, before “prohibiting” insert “requiring a court or a District Court commissioner to consider whether a defendant will flee or pose a danger to another person or the community when making decisions concerning pretrial release;”; in line 7, after the second “violence” insert “within a certain period of time”; and in line 10, after “circumstances;” insert “requiring the Court of Appeals of Maryland to adopt certain rules;”.

AMENDMENT NO. 2

On page 1, in line 21, after “(1)” insert:

“(1) IN ALL CRIMINAL CASES WHEN MAKING PRETRIAL RELEASE DECISIONS, IN ADDITION TO THE FACTORS UNDER MARYLAND RULE 4-216(F) WHICH MAY BE CONSIDERED, THE COURT OR DISTRICT COURT COMMISSIONER SHALL CONSIDER WHETHER A DEFENDANT WILL FLEE OR POSE A DANGER TO ANOTHER PERSON OR THE COMMUNITY.”

On page 2, in line 4, strike “(1)” and substitute “(2)”; in lines 5 and 6, strike “[who is” and substitute “:

(I) IF THE DEFENDANT IS”;

in line 6, strike the bracket and substitute “; OR

(II) IF THE DEFENDANT WAS PREVIOUSLY FOUND GUILTY OF A CRIME OF VIOLENCE UNDER § 643B OF THIS ARTICLE DURING THE 10-YEAR PERIOD IMMEDIATELY BEFORE THE DATE THE DEFENDANT IS CHARGED.”;

(Over)

strike beginning with “IF” in line 6 down through “SUBPARAGRAPH” in line 16 and substitute:

“(3) (I) A judge may allow the release pretrial of a defendant described in paragraph [(1)] (2) of this subsection pending trial on suitable bail [and] OR on any other conditions that will reasonably assure that the defendant will not flee or pose a danger to another person or the community OR ON BOTH”;

in line 17, strike “(1)” and substitute “(2)”; in line 20, strike “DETERMINES” and substitute “IS PERSUADED”; in line 24, strike “(3)” and substitute “(4)”; in line 25, strike “(1)” and substitute “(2)”; after line 26, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That to ensure appropriate due process, evidentiary standards, and procedural safeguards, the Court of Appeals of Maryland shall adopt rules to implement this Act.”;

and in line 27, strike “2.” and substitute “3.”.