
By: Delegate Owings

Requested: August 22, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Pretrial Release Agencies - Registry of Defendants Recommended for Release**

3 FOR the purpose of requiring, in Baltimore City and Prince George's County, a pretrial
4 release agency to establish and maintain a registry that contains certain information
5 on all defendants who are recommended for pretrial release by the pretrial release
6 agency; requiring the pretrial release agency to update the registry on a weekly basis
7 so that it contains current and accurate information; requiring the registry to be
8 readily available to the public and located in the clerk's office of the court with
9 jurisdiction over the defendants included in the registry; requiring a pretrial release
10 agency to submit an annual report to the Governor by a certain date; specifying the
11 contents of the annual report; requiring a pretrial release agency to prepare the
12 registry and annual report out of its existing budget and prohibiting the agency from
13 accepting or receiving government funds for the production of these items; and
14 generally relating to a registry for defendants who are recommended for pretrial
15 release.

16 BY adding to

17 Article 27 - Crimes and Punishments

18 Section 638AB

19 Annotated Code of Maryland

20 (1996 Replacement Volume)

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

23 **Article 27 - Crimes and Punishments**

24 638AB.

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (2) "NONSECURED RELEASE" MEANS THE RELEASE OF A DEFENDANT
28 FROM CUSTODY PRIOR TO TRIAL WHERE NO FINANCIAL GUARANTEE IS REQUIRED
29 AS A CONDITION OF THE RELEASE.

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1 (3) "PRETRIAL RELEASE AGENCY" MEANS A GOVERNMENT FUNDED
2 AGENCY THAT MAKES RECOMMENDATIONS FOR THE PRETRIAL RELEASE OF
3 CRIMINAL DEFENDANTS.

4 (4) "SECURED RELEASE" MEANS THE RELEASE OF A DEFENDANT FROM
5 CUSTODY PRIOR TO TRIAL WHERE A FINANCIAL GUARANTEE, SUCH AS CASH OR
6 SURETY BOND, IS REQUIRED AS A CONDITION OF THE RELEASE.

7 (B) THIS SECTION APPLIES ONLY IN BALTIMORE CITY AND PRINCE GEORGE'S
8 COUNTY.

9 (C) (1) A PRETRIAL RELEASE AGENCY SHALL ESTABLISH AND MAINTAIN A
10 REGISTRY THAT CONTAINS THE FOLLOWING INFORMATION ON ALL DEFENDANTS
11 WHO ARE RECOMMENDED FOR PRETRIAL RELEASE BY THE PRETRIAL RELEASE
12 AGENCY:

13 (I) THE NAME OF THE DEFENDANT;

14 (II) THE CRIME OR CRIMES WITH WHICH THE DEFENDANT IS
15 CURRENTLY CHARGED AND AWAITING TRIAL;

16 (III) THE NATURE OF ANY CURRENT BENCH WARRANTS ISSUED BY
17 THE COURT WITH JURISDICTION OVER THE CHARGE OR CHARGES DESCRIBED IN
18 ITEM (I) OF THIS PARAGRAPH;

19 (IV) THE DATE ON WHICH THE DEFENDANT IS SCHEDULED TO
20 APPEAR IN COURT FOR THE CHARGE OR CHARGES DESCRIBED IN ITEM (I) OF THIS
21 PARAGRAPH; AND

22 (V) WHETHER THE RECOMMENDATION WAS FOR A SECURED
23 RELEASE OR A NONSECURED RELEASE OF THE DEFENDANT.

24 (2) THE PRETRIAL RELEASE AGENCY SHALL UPDATE THE REGISTRY ON
25 A WEEKLY BASIS SO THAT IT CONTAINS CURRENT AND ACCURATE INFORMATION.

26 (3) THE REGISTRY SHALL BE READILY AVAILABLE TO THE PUBLIC AND
27 LOCATED IN THE CLERK'S OFFICE OF THE COURT WITH JURISDICTION OVER THE
28 DEFENDANTS INCLUDED IN THE REGISTRY.

29 (D) (1) ON OR BEFORE SEPTEMBER 30 OF EACH YEAR, A PRETRIAL
30 RELEASE AGENCY SHALL SUBMIT TO THE GOVERNOR AN ANNUAL REPORT FOR THE
31 PREVIOUS CALENDAR YEAR.

32 (2) THE ANNUAL REPORT SHALL INCLUDE:

33 (I) THE COMPLETE OPERATING BUDGET OF THE PRETRIAL
34 RELEASE AGENCY;

35 (II) THE NUMBER OF PERSONNEL EMPLOYED BY THE PRETRIAL
36 RELEASE AGENCY;

37 (III) THE TOTAL NUMBER OF RECOMMENDATIONS FOR RELEASE
38 MADE BY THE PRETRIAL RELEASE AGENCY;

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1 (IV) THE TOTAL NUMBER OF CASES REVIEWED BY THE PRETRIAL
2 RELEASE AGENCY;

3 (V) THE NUMBER OF CASES IN WHICH NONSECURED RELEASE WAS
4 DENIED BY THE PRETRIAL RELEASE AGENCY;

5 (VI) THE NUMBER OF DEFENDANTS RELEASED ON NONSECURED
6 RELEASE AFTER A POSITIVE RECOMMENDATION BY THE PRETRIAL RELEASE
7 AGENCY;

8 (VII) THE AVERAGE PERIOD OF TIME DEFENDANTS ARE
9 INCARCERATED BEFORE BEING RELEASED ON RECOMMENDATION BY THE
10 PRETRIAL RELEASE AGENCY, WITH STATISTICS THAT DISTINGUISH DEFENDANTS
11 INCARCERATED FOR FELONIES FROM THOSE INCARCERATED FOR MISDEMEANORS;

12 (VIII) THE TOTAL NUMBER OF CASES WHERE THE DEFENDANT WAS
13 RELEASED ON A NONSECURED RELEASE AFTER A POSITIVE RECOMMENDATION BY
14 THE PRETRIAL RELEASE AGENCY AND THE DEFENDANT HAD AT LEAST ONE MISSED
15 COURT DATE WITHIN 1 YEAR OF THE DATE OF RELEASE;

16 (IX) THE TOTAL NUMBER OF CASES WHERE THE DEFENDANT WAS
17 RELEASED ON A NONSECURED RELEASE AFTER A POSITIVE RECOMMENDATION BY
18 THE PRETRIAL RELEASE AGENCY AND A BENCH WARRANT WAS ISSUED BY THE
19 COURT ON THE DEFENDANT'S FAILURE TO APPEAR ON A NONSECURED RELEASE;

20 (X) THE TOTAL NUMBER OF CASES WHERE A DEFENDANT WAS
21 RELEASED ON A NONSECURED RELEASE AFTER A POSITIVE RECOMMENDATION BY
22 THE PRETRIAL RELEASE AGENCY AND A BENCH WARRANT WAS ISSUED BY THE
23 COURT BUT REMAINED UNSERVED AFTER 1 YEAR; AND

24 (XI) THE TOTAL NUMBER OF CASES WHERE A DEFENDANT WAS
25 RELEASED ON A NONSECURED RELEASE AFTER A POSITIVE RECOMMENDATION BY
26 THE PRETRIAL RELEASE AGENCY AND A WARRANT WAS ISSUED FOR THE
27 DEFENDANT AFTER THE DEFENDANT'S RELEASE FOR ADDITIONAL CRIMINAL
28 CHARGES WITHIN 1 YEAR.

29 (E) A PRETRIAL RELEASE AGENCY SHALL PREPARE THE REGISTRY AND
30 ANNUAL REPORT OUT OF ITS EXISTING BUDGET, AND NO ADDITIONAL
31 GOVERNMENT FUNDS MAY BE ACCEPTED OR RECEIVED BY THE PRETRIAL RELEASE
32 AGENCY FOR THE PRODUCTION OF THE REGISTRY AND ANNUAL REPORT.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1997.