
By: Delegates Harkins, Bissett, M. Burns, Jacobs, Perry, and Fry

Introduced and read first time: January 23, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Pretrial Release - Detainers and Fugitive Warrants**

3 FOR the purpose of prohibiting a District Court commissioner from authorizing the
4 pretrial release of a defendant whose presence in Maryland has been obtained
5 through proceedings under the Interstate Agreement on Detainers or whose
6 custody is being pursued by another state under a detainer or fugitive warrant;
7 prohibiting a judge from authorizing the release pretrial of a defendant whose
8 presence in Maryland has been obtained through proceedings under the Interstate
9 Agreement on Detainers until the defendant completes the sentence in the sending
10 state; establishing that the filing of a detainer by another state automatically
11 revokes authorization for pretrial release in a criminal case pending in this State;
12 and generally relating to the pretrial release of defendants.

13 BY adding to

14 Article 27 - Crimes and Punishments
15 Section 616 1/2(m)
16 Annotated Code of Maryland
17 (1996 Replacement Volume)

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

20 **Article 27 - Crimes and Punishments**

21 616 1/2.

22 (M) (1) A DISTRICT COURT COMMISSIONER MAY NOT AUTHORIZE THE
23 RELEASE PRETRIAL OF A DEFENDANT:

24 (I) WHOSE PRESENCE IN THIS STATE HAS BEEN OBTAINED
25 THROUGH PROCEEDINGS UNDER THE INTERSTATE AGREEMENT ON DETAINERS; OR

26 (II) WHOSE CUSTODY IS BEING PURSUED BY ANOTHER STATE
27 UNDER A DETAINER OR FUGITIVE WARRANT.

28 (2) A JUDGE MAY NOT AUTHORIZE THE RELEASE PRETRIAL OF A
29 DEFENDANT WHOSE PRESENCE IN THIS STATE HAS BEEN OBTAINED THROUGH

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1 PROCEEDINGS UNDER THE INTERSTATE AGREEMENT ON DETAINERS UNTIL THE
2 DEFENDANT COMPLETES THE SENTENCE IN THE SENDING STATE.

3 (3) THE FILING OF A DETAINER BY ANOTHER STATE AUTOMATICALLY
4 REVOKES AUTHORIZATION FOR RELEASE PRETRIAL IN A CRIMINAL CASE PENDING
5 IN THIS STATE.

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