
By: Delegates B. Hughes, Palumbo, Hubbard, Benson, Crumlin, D. Davis, Parker, Muse, Proctor, and Exum

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes of Violence - Pretrial Detention**

3 FOR the purpose of prohibiting a District Court commissioner from releasing pretrial a
4 defendant who has been charged with a crime of violence if the defendant has
5 previously been convicted of a crime of violence; allowing a judge to release such
6 persons before trial under certain circumstances; requiring a judge to order the
7 detention of such persons before trial under certain circumstances; and generally
8 relating to crimes of violence and pretrial release.

9 BY repealing and reenacting, with amendments,
10 Article 27 - Crimes and Punishments
11 Section 616 1/2(l)
12 Annotated Code of Maryland
13 (1996 Replacement Volume)

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

16 **Article 27 - Crimes and Punishments**

17 616 1/2.

18 (l) (1) A District Court commissioner may not authorize the release pretrial of
19 a defendant charged with a crime of violence under § 643B of this article [who is on
20 parole, probation, or mandatory supervision for an earlier crime of violence] IF THE
21 DEFENDANT HAS BEEN PREVIOUSLY CONVICTED OF A CRIME OF VIOLENCE AS
22 DEFINED BY § 643B OF THIS ARTICLE.

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

27 (II) IF, AFTER A HEARING HELD UNDER MARYLAND RULE 4-216(G),
28 A JUDGE FINDS THAT NEITHER SUITABLE BAIL NOR ANY CONDITION OR
29 COMBINATION OF CONDITIONS WILL REASONABLY ASSURE THAT A DEFENDANT
30 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WILL NOT FLEE OR POSE A

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1 DANGER TO ANOTHER PERSON OR THE COMMUNITY, THE JUDGE SHALL ORDER
2 THE DETENTION OF THE DEFENDANT BEFORE TRIAL.

3 (3) A rebuttable presumption exists that any defendant described in
4 paragraph (1) of this subsection will flee and pose a danger to another person or the
5 community.

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