
By: **Delegates Doory, Menes, Grosfeld, Hecht, Pendergrass, Jones, Perry,
Hurson, Petzold, T. Murphy, E. Burns, McHale, Preis, M. Burns,
Klausmeier, Turner, Goldwater, and Kopp**

Introduced and read first time: February 2, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Pretrial Release - Violators of Protective Orders**

3 FOR the purpose of limiting the circumstances under which a defendant who has
4 been charged with violating a certain ex parte order or protective order may be
5 released before trial; establishing a certain rebuttable presumption; authorizing
6 a judge to release a person charged with violating an ex parte order or protective
7 order on suitable bail or on any other conditions that will reasonably assure that
8 the person will not flee or pose a danger to another person or the community
9 prior to the trial, or both bail and other conditions; prohibiting a District Court
10 commissioner from authorizing the release pretrial of a defendant charged with
11 violating a certain ex parte order or protective order; and generally relating to
12 the pretrial detention of a person charged with violating a certain ex parte order
13 or protective order.

14 BY adding to
15 Article 27 - Crimes and Punishments
16 Section 616 1/2(m)
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1997 Supplement)

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

21 **Article 27 - Crimes and Punishments**

22 616 1/2.

23 (M) (1) A DISTRICT COURT COMMISSIONER MAY NOT AUTHORIZE THE
24 RELEASE PRETRIAL OF A DEFENDANT CHARGED WITH VIOLATING:

25 (I) AN EX PARTE ORDER ISSUED UNDER § 4-505 OF THE FAMILY
26 LAW ARTICLE;

1 (II) A PROTECTIVE ORDER ISSUED UNDER § 4-506 OF THE FAMILY
2 LAW ARTICLE; OR

3 (III) A PROTECTIVE ORDER ISSUED BY A COURT OF ANOTHER STATE
4 OR OF A NATIVE AMERICAN TRIBE THAT HAS BEEN FILED WITH THE DISTRICT COURT
5 OR A CIRCUIT COURT UNDER § 4-508.1 OF THE FAMILY LAW ARTICLE.

6 (2) (I) A JUDGE MAY ALLOW THE RELEASE PRETRIAL OF A
7 DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION PENDING TRIAL
8 ON:

9 1. SUITABLE BAIL;

10 2. ANY OTHER CONDITIONS THAT WILL REASONABLY
11 ASSURE THAT THE DEFENDANT WILL NOT FLEE OR POSE A DANGER TO ANOTHER
12 PERSON OR THE COMMUNITY; OR

13 3. BOTH BAIL AND OTHER CONDITIONS DESCRIBED UNDER
14 ITEM 2 OF THIS SUBPARAGRAPH.

15 (II) AFTER A DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS
16 SUBSECTION HAS BEEN PRESENTED TO THE COURT PURSUANT TO MARYLAND RULE
17 4-216(G), THE JUDGE SHALL ORDER THE CONTINUED DETENTION OF THE
18 DEFENDANT IF THE JUDGE DETERMINES THAT NEITHER SUITABLE BAIL NOR ANY
19 CONDITION OR COMBINATION OF CONDITIONS WILL REASONABLY ASSURE THAT
20 THE DEFENDANT WILL NOT FLEE OR POSE A DANGER TO ANOTHER PERSON OR THE
21 COMMUNITY PRIOR TO THE TRIAL.

22 (3) A REBUTTABLE PRESUMPTION EXISTS THAT ANY DEFENDANT
23 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WILL FLEE AND POSE A DANGER
24 TO ANOTHER PERSON OR THE COMMUNITY.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect October 1, 1998.