
By: **Delegates Doory, Menes, Grosfeld, Hecht, Pendergrass, Jones, Perry,
Hurson, Petzold, T. Murphy, E. Burns, McHale, Preis, M. Burns,
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Committee Report: Favorable with amendments
House action: Adopted
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CHAPTER _____

1 AN ACT concerning

2 **Pretrial Release - Violators of Ex Parte Orders or Protective Orders**

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

15 BY adding to
16 Article 27 - Crimes and Punishments
17 Section 616 1/2(m)
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1997 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article - Family Law
22 Section 4-505(a)(2)(i) and 4-506(d)(1)
23 Annotated Code of Maryland

1 (1991 Replacement Volume and 1997 Supplement)

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

4 **Article 27 - Crimes and Punishments**

5 616 1/2.

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

8 (I) ~~THE PROVISIONS OF AN EX PARTE ORDER ISSUED UNDER §~~
9 ~~4-505 DESCRIBED IN § 4-505(A)(2)(I) OF THE FAMILY LAW ARTICLE;~~

10 ~~(H) OR THE PROVISIONS OF A PROTECTIVE ORDER ISSUED UNDER §~~
11 ~~4-506 DESCRIBED IN § 4-506(D)(1) OF THE FAMILY LAW ARTICLE THAT ORDER THE~~
12 ~~DEFENDANT TO REFRAIN FROM ABUSING OR THREATENING TO ABUSE A PERSON~~
13 ~~ELIGIBLE FOR RELIEF; OR~~

14 ~~(H) (II) THE PROVISIONS OF A PROTECTIVE ORDER ISSUED BY A~~
15 ~~COURT OF ANOTHER STATE OR OF A NATIVE AMERICAN TRIBE THAT HAS BEEN FILED~~
16 ~~WITH THE DISTRICT COURT OR A CIRCUIT COURT ORDER THE DEFENDANT TO~~
17 ~~REFRAIN FROM ABUSING OR THREATENING TO ABUSE A PERSON ELIGIBLE FOR~~
18 ~~RELIEF, IF THE ORDER IS ENFORCEABLE UNDER § 4-508.1 OF THE FAMILY LAW~~
19 ~~ARTICLE.~~

20 (2) (I) A JUDGE MAY ALLOW THE RELEASE PRETRIAL OF A
21 DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION PENDING TRIAL
22 ON:

23 1. SUITABLE BAIL;

24 2. ANY OTHER CONDITIONS THAT WILL REASONABLY
25 ASSURE THAT THE DEFENDANT WILL NOT FLEE OR POSE A DANGER TO ANOTHER
26 PERSON OR THE COMMUNITY; OR

27 3. BOTH BAIL AND OTHER CONDITIONS DESCRIBED UNDER
28 ITEM 2 OF THIS SUBPARAGRAPH.

29 (II) AFTER A DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS
30 SUBSECTION HAS BEEN PRESENTED TO THE COURT PURSUANT TO MARYLAND RULE
31 4-216(G), THE JUDGE SHALL ORDER THE CONTINUED DETENTION OF THE
32 DEFENDANT IF THE JUDGE DETERMINES THAT NEITHER SUITABLE BAIL NOR ANY
33 CONDITION OR COMBINATION OF CONDITIONS WILL REASONABLY ASSURE THAT
34 THE DEFENDANT WILL NOT FLEE OR POSE A DANGER TO ANOTHER PERSON OR THE
35 COMMUNITY PRIOR TO THE TRIAL.

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

4

Article - Family Law

5 4-505.

6 (a) (2) The temporary ex parte order may order any or all of the following
7 relief:

8 (i) order the respondent to refrain from further abuse or threats of
9 abuse of a person eligible for relief;

10 4-506.

11 (d) The protective order may include any or all of the following relief:

12 (1) order the respondent to refrain from abusing or threatening to abuse
13 any person eligible for relief;

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