

HOUSE BILL 141

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HB 943/98 - JUD

1999 Regular Session
9r1088

By: **Delegate Valderrama**

Introduced and read first time: January 27, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Pretrial Release - Crimes of Violence**

3 FOR the purpose of adding certain crimes of violence to the list of crimes for which a
4 person may not be released pretrial under certain circumstances; making
5 certain stylistic revisions; and generally relating to criminal procedure and
6 pretrial release.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 616 1/2(c)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1998 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article 27 - Crimes and Punishments
14 Section 643B(a)
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1998 Supplement)

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

19 **Article 27 - Crimes and Punishments**

20 616 1/2.

21 (c) Any person charged with an offense hereinafter enumerated committed
22 during the time that person had been released on bail or his own recognizance for
23 committing an offense hereinafter enumerated, is ineligible to give bail or be released
24 on recognizance on the subsequent charge, until all prior charges hereunder have
25 finally been determined by the courts. But a person charged with a subsequent crime
26 hereinafter set forth, may rebut his ineligibility for release on bail before
27 determination of the prior charge. If, after consideration of the matters presented in
28 rebuttal, the court hearing the application for bail is persuaded that the applicant

1 would not pose a danger to any other person or to the community, and would appear
2 at the time set for trial, the court may allow release pending trial on suitable bail and
3 on such other conditions as will reasonably assure that the person charged will not
4 flee. For the purposes of this subsection, court does not mean District Court
5 commissioners and the offenses are those specified in the following sections of Article
6 27 of the Annotated Code of Maryland (1967 Repl. Vol.) as they may be amended from
7 time to time:

8 (1) [Section 6 (relating to arson in the first degree) and attempting,
9 aiding,] AIDING, counseling, or procuring arson in the first degree;

10 (2) Section 7 (relating to arson in the second degree) and attempting,
11 aiding, counseling, or procuring arson in the second degree;

12 (3) [Section 12A-1 (relating to assault in the first degree);

13 (4)] Section 29 (relating to burglary in the first degree);

14 [(5)] (4) Section 30 (relating to burglary in the second degree);

15 [(6)] (5) Section 31 (relating to burglary in the third degree);

16 [(7)] (6) Section 35C (causing abuse to child under 18);

17 [(8)] (7) Section 139C (relating to destructive devices);

18 [(9)] (8) Section 286 (relating to the manufacture, distribution, etc., or to
19 the counterfeiting, etc., of a controlled dangerous substance or of certain equipment
20 relating thereto and relating to the keeping of a common nuisance as related to drug
21 abuse);

22 [(10)] Section 337 (relating to kidnapping generally);

23 (11) Section 338 (relating to kidnapping children under sixteen);

24 [(12)] (9) Section 388 (relating to manslaughter by automobile, etc.); AND

25 (10) A CRIME OF VIOLENCE, AS DEFINED UNDER § 643B OF THIS ARTICLE.

26 [(13)] Section 407 (relating to first degree murder);

27 (14) Section 408 (relating to murder committed in perpetration of arson);

28 (15) Section 409 (relating to murder committed in burning barns, etc.);

29 (16) Section 410 (relating to murder committed in perpetration of rape in
30 any degree, sexual offense in the first or second degree, sodomy, etc.);

31 (17) Section 411 (relating to second degree murder);

- 1 (18) Section 411A (relating to attempted murder in the first or second
2 degree);
- 3 (19) Sections 462 and 463 (relating to rape in the first and second degree);
- 4 (20) Section 464F (relating to attempted rape or sexual offense in the first
5 or second degree);
- 6 (21) Section 486 (relating to robbery generally); and
- 7 (22) Section 488 (relating to robbery with a deadly weapon).]
- 8 643B.

9 (a) As used in this section, the term "crime of violence" means abduction;
10 arson in the first degree; kidnapping; manslaughter, except involuntary
11 manslaughter; mayhem and maiming, as previously proscribed under §§ 384, 385,
12 and 386 of this article; murder; rape; robbery; robbery with a deadly weapon;
13 carjacking or armed carjacking; sexual offense in the first degree; sexual offense in
14 the second degree; use of a handgun in the commission of a felony or other crime of
15 violence; an attempt to commit any of the aforesaid offenses; assault in the first
16 degree; and assault with intent to murder, assault with intent to rape, assault with
17 intent to rob, assault with intent to commit a sexual offense in the first degree, and
18 assault with intent to commit a sexual offense in the second degree, as these crimes
19 were previously proscribed under former § 12 of this article.

20 The term "correctional institution" includes Patuxent Institution and a local or
21 regional jail or detention center.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 1999.