

HOUSE BILL 231

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HB 406/98 - JUD

1999 Regular Session
9r0470

By: **Delegates Doory, Grosfeld, Goldwater, Krysiak, Menes, Love, and McIntosh**

Introduced and read first time: February 1, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of prohibiting a District Court commissioner from authorizing the
4 pretrial release of a defendant charged with violating certain provisions of an ex
5 parte order or protective order; authorizing a judge to allow the pretrial release
6 of a defendant charged with violating certain provisions of an ex parte order or
7 protective order on suitable bail or on any other conditions that will reasonably
8 assure that the person will not flee or pose a danger to another person or the
9 community prior to the trial, or both bail and other conditions; requiring a judge
10 to order the continued detention of the defendant under certain circumstances;
11 and generally relating to the pretrial release of a defendant charged with
12 violating certain provisions of an ex parte order or protective order.

13 BY adding to
14 Article 27 - Crimes and Punishments
15 Section 616 1/2(n)
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1998 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article - Family Law
20 Section 4-505(a)(2)(i) and 4-506(d)(1)
21 Annotated Code of Maryland
22 (1991 Replacement Volume and 1998 Supplement)

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

1

Article 27 - Crimes and Punishments

2 616 1/2.

3 (N) (1) A DISTRICT COURT COMMISSIONER MAY NOT AUTHORIZE THE
4 PRETRIAL RELEASE OF A DEFENDANT CHARGED WITH VIOLATING:

5 (I) THE PROVISIONS OF AN EX PARTE ORDER DESCRIBED IN §
6 4-505(A)(2)(I) OF THE FAMILY LAW ARTICLE OR THE PROVISIONS OF A PROTECTIVE
7 ORDER DESCRIBED IN § 4-506(D)(1) OF THE FAMILY LAW ARTICLE THAT ORDER THE
8 DEFENDANT TO REFRAIN FROM ABUSING OR THREATENING TO ABUSE A PERSON
9 ELIGIBLE FOR RELIEF; OR

10 (II) THE PROVISIONS OF A PROTECTIVE ORDER ISSUED BY A COURT
11 OF ANOTHER STATE OR OF A NATIVE AMERICAN TRIBE THAT ORDER THE
12 DEFENDANT TO REFRAIN FROM ABUSING OR THREATENING TO ABUSE A PERSON
13 ELIGIBLE FOR RELIEF, IF THE ORDER IS ENFORCEABLE UNDER § 4-508.1 OF THE
14 FAMILY LAW ARTICLE.

15 (2) (I) A JUDGE MAY ALLOW THE PRETRIAL RELEASE OF A
16 DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION PENDING TRIAL
17 ON:

18 1. SUITABLE BAIL;

19 2. ANY OTHER CONDITIONS THAT WILL REASONABLY
20 ASSURE THAT THE DEFENDANT WILL NOT FLEE OR POSE A DANGER TO ANOTHER
21 PERSON OR THE COMMUNITY; OR

22 3. BOTH BAIL AND OTHER CONDITIONS DESCRIBED UNDER
23 ITEM 2 OF THIS SUBPARAGRAPH.

24 (II) AFTER A DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS
25 SUBSECTION HAS BEEN PRESENTED TO THE COURT PURSUANT TO MARYLAND RULE
26 4-216(G), THE JUDGE SHALL ORDER THE CONTINUED DETENTION OF THE
27 DEFENDANT IF THE JUDGE DETERMINES THAT NEITHER SUITABLE BAIL NOR ANY
28 CONDITION OR COMBINATION OF CONDITIONS WILL REASONABLY ASSURE THAT
29 THE DEFENDANT WILL NOT FLEE OR POSE A DANGER TO ANOTHER PERSON OR THE
30 COMMUNITY PRIOR TO THE TRIAL.

31

Article - Family Law

32 4-505.

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

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

1 4-506.

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

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

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