

HOUSE BILL 231

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HB 406/98 - JUD

1999 Regular Session
9lr0470

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

Introduced and read first time: February 1, 1999

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 2, 1999

CHAPTER _____

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)

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

3 **Article 27 - Crimes and Punishments**

4 616 1/2.

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

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

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

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

20 1. SUITABLE BAIL;

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

24 3. BOTH BAIL AND OTHER CONDITIONS DESCRIBED UNDER
25 ITEM 2 OF THIS SUBPARAGRAPH.

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

33 **Article - Family Law**

34 4-505.

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

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

3 4-506.

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

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

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