

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 1214 (Delegate C. Davis)

Judiciary

Pretrial Release - Violators of Ex Parte Orders or Protective Orders - Civil Actions

This bill prohibits a District Court Commissioner from authorizing the pretrial release of a defendant charged with violating the provisions of an ex parte order or a protective order that orders the defendant to refrain from abusing or threatening to abuse a person eligible for relief. A judge may allow the pretrial release of such a defendant on suitable bail, any other conditions that will reasonably assure that the defendant will not flee or pose a danger to another person, or both.

A person detained or arrested pursuant to the bill shall have a civil cause of action against a person making frivolous or fraudulent statements that resulted in the arrest, injury, economic hardship, or defamation of the person detained or arrested.

Fiscal Summary

State Effect: None. The bill is not expected to have a significant effect on governmental finances.

Local Effect: None.

Small Business Effect: None.

Fiscal Analysis

State Effect: The bill would increase the number of bail review hearings scheduled before District Court judges. The precise magnitude of such increase cannot be determined at this time, but is not expected to be significant.

In fiscal 1998, 775 cases for violating an ex parte or protective order were filed in District

Court. The number of such cases that were filed in the circuit courts is not readily available, but is assumed to be less than 775.

Local Effect: The bill would increase the population of local detention centers (for the short time periods before these defendants can be seen by judges). The precise magnitude of such increase cannot be determined at this time, but is not expected to be significant.

Information Source(s): Department of Public Safety and Correctional Services (Pretrial Services), Judiciary (Administrative Office of the Courts, District Court of Maryland), Maryland State Bar Association (Family Law Section), Department of Legislative Services

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Analysis by: Claire E. Rooney

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 946-5510

(301) 970-5510