

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 276

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Collins” and substitute “Collins, and Forehand”.

AMENDMENT NO. 2

On page 1, in line 2, before “Ex” insert “Violations of”; in the same line, after “Parte” insert “and Protective”; in the same line, strike “ Denial of Bail” and substitute “Pretrial Release”; strike beginning with “requiring” in line 3 down through “orders” in line 6 and substitute “prohibiting a District Court commissioner from authorizing the pretrial release of a defendant charged with violating certain provisions of an ex parte order while released on bail or personal recognizance for a previous charge of violating an ex parte order; prohibiting a District Court commissioner from authorizing the pretrial release of a defendant charged with violating certain provisions of a protective order while released on bail or personal recognizance for a previous charge of violating a protective order; and generally relating to pretrial release of certain defendants charged with violating certain provisions of an ex parte order or protective order under certain circumstances”; strike, in its entirety, line 8 and substitute “Article 27 - Crimes and Punishments”; in line 9, strike “4-509” and substitute “616 1/2(n)”; and in line 11, strike the first “1999” and substitute “1996”.

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 14 on page 1 through line 4 on page 2, inclusive, and substitute:

“Article 27 - Crimes and Punishments

616 1/2.

(n) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with violating:

(Over)

(i) The provisions of an ex parte order described in § 4-505(a)(2)(i) of the Family Law Article or the provisions of a protective order described in § 4-506(d)(1) of the Family Law Article that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief; [or]

(ii) The provisions of a protective order issued by a court of another state or of a Native American tribe that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief, if the order is enforceable under § 4-508.1 of the Family Law Article;

(III) THE PROVISIONS OF AN EX PARTE ORDER DESCRIBED IN § 4-505(A)(2)(II), (III), (IV), OR (V) OF THE FAMILY LAW ARTICLE WHILE THE DEFENDANT WAS RELEASED ON BAIL OR PERSONAL RECOGNIZANCE FOR A PREVIOUS CHARGE OF VIOLATING THE PROVISIONS OF AN EX PARTE ORDER DESCRIBED IN § 4-505(A)(2) OF THE FAMILY LAW ARTICLE; OR

(IV) THE PROVISIONS OF A PROTECTIVE ORDER DESCRIBED IN § 4-506(D)(2), (3), (4), OR (5) OF THE FAMILY LAW ARTICLE WHILE THE DEFENDANT WAS RELEASED ON BAIL OR PERSONAL RECOGNIZANCE FOR A PREVIOUS CHARGE OF VIOLATING THE PROVISIONS OF A PROTECTIVE ORDER DESCRIBED IN § 4-506(D) OF THE FAMILY LAW ARTICLE.

(2) (i) A judge may allow the pretrial release of a defendant described in paragraph (1) of this subsection pending trial on:

1. Suitable bail;
2. Any other conditions that will reasonably assure that the defendant will not flee or pose a danger to another person or the community; or
3. Both bail and other conditions described under item 2 of this subparagraph.

(ii) After a defendant described in paragraph (1) of this subsection has been presented to the court pursuant to Maryland Rule 4-216(g), the judge shall order the continued detention of the defendant if the judge determines that neither suitable bail nor any condition or

combination of conditions will reasonably assure that the defendant will not flee or pose a danger to another person or the community prior to the trial."