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By: **Delegate Amedori**  
Introduced and read first time: February 9, 2001  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence - Violations of Ex Parte and Protective Orders - Pretrial**  
3 **Release**

4 FOR the purpose of prohibiting a District Court commissioner from authorizing the  
5 pretrial release of a defendant charged with violating certain provisions of an ex  
6 parte order while released on bail or personal recognizance for a previous charge  
7 of violating an ex parte order; prohibiting a District Court commissioner from  
8 authorizing the pretrial release of a defendant charged with violating certain  
9 provisions of a protective order while released on bail or personal recognizance  
10 for a previous charge of violating a protective order; and generally relating to  
11 pretrial release of certain defendants charged with violating certain provisions  
12 of an ex parte order or protective order under certain circumstances.

13 BY repealing and reenacting, with amendments,  
14 Article - Criminal Procedure  
15 Section 5-202(e)  
16 Annotated Code of Maryland  
17 (As enacted by Chapter \_\_\_\_\_ (S.B. 1) of the Acts of the General Assembly of  
18 2001)

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

21 **Article - Criminal Procedure**

22 5-202.

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

25 (i) the provisions of an ex parte order described in § 4-505(a)(2)(i)  
26 of the Family Law Article or the provisions of a protective order described in §  
27 4-506(d)(1) of the Family Law Article that order the defendant to refrain from  
28 abusing or threatening to abuse a person eligible for relief; [or]

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

5 (III) THE PROVISIONS OF AN EX PARTE ORDER DESCRIBED IN §  
6 4-505(A)(2)(II), (III), (IV), OR (V) OF THE FAMILY LAW ARTICLE WHILE THE DEFENDANT  
7 WAS RELEASED ON BAIL OR PERSONAL RECOGNIZANCE FOR A PREVIOUS CHARGE OF  
8 VIOLATING THE PROVISIONS OF AN EX PARTE ORDER DESCRIBED IN § 4-505(A)(2) OF  
9 THE FAMILY LAW ARTICLE; OR

10 (IV) THE PROVISIONS OF A PROTECTIVE ORDER DESCRIBED IN §  
11 4-506(D)(2), (3), (4), OR (5) OF THE FAMILY LAW ARTICLE WHILE THE DEFENDANT WAS  
12 RELEASED ON BAIL OR PERSONAL RECOGNIZANCE FOR A PREVIOUS CHARGE OF  
13 VIOLATING THE PROVISIONS OF A PROTECTIVE ORDER DESCRIBED IN § 4-506(D) OF  
14 THE FAMILY LAW ARTICLE.

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

17 (i) suitable bail;

18 (ii) any other conditions that will reasonably ensure that the  
19 defendant will not flee or pose a danger to another person or the community; or

20 (iii) both bail and other conditions described under subparagraph  
21 (ii) of this paragraph.

22 (3) When a defendant described in paragraph (1) of this subsection is  
23 presented to the court under Maryland Rule 4-216(g), the judge shall order the  
24 continued detention of the defendant if the judge determines that neither suitable  
25 bail nor any condition or combination of conditions will reasonably ensure that the  
26 defendant will not flee or pose a danger to another person or the community before  
27 the trial.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2001.