

SENATE BILL 445

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SB 276/00 - JPR

2001 Regular Session
11r1362
CF 11r2811

By: **Senators Jacobs, Colburn, Dorman, Ferguson, Forehand, Hafer, Hogan,
Hollinger, Hooper, Lawlah, Middleton, Roesser, Ruben, Sfikas, and Van
Hollen**

Introduced and read first time: February 2, 2001
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted
Read second time: March 6, 2001

CHAPTER _____

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:

1

Article - Criminal Procedure

2 5-202.

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

5 (i) the provisions of an ex parte order described in § 4-505(a)(2)(i)
6 of the Family Law Article or the provisions of a protective order described in §
7 4-506(d)(1) of the Family Law Article that order the defendant to refrain from
8 abusing or threatening to abuse a person eligible for relief; [or]

9 (ii) the provisions of a protective order issued by a court of another
10 state or of a Native American tribe that order the defendant to refrain from abusing
11 or threatening to abuse a person eligible for relief, if the order is enforceable under §
12 4-508.1 of the Family Law Article;

13 (III) THE PROVISIONS OF AN EX PARTE ORDER DESCRIBED IN §
14 4-505(A)(2)(II), (III), (IV), OR (V) OF THE FAMILY LAW ARTICLE WHILE THE DEFENDANT
15 WAS RELEASED ON BAIL OR PERSONAL RECOGNIZANCE FOR A PREVIOUS CHARGE OF
16 VIOLATING THE PROVISIONS OF AN EX PARTE ORDER DESCRIBED IN § 4-505(A)(2) OF
17 THE FAMILY LAW ARTICLE; OR

18 (IV) THE PROVISIONS OF A PROTECTIVE ORDER DESCRIBED IN §
19 4-506(D)(2), (3), (4), OR (5) OF THE FAMILY LAW ARTICLE WHILE THE DEFENDANT WAS
20 RELEASED ON BAIL OR PERSONAL RECOGNIZANCE FOR A PREVIOUS CHARGE OF
21 VIOLATING THE PROVISIONS OF A PROTECTIVE ORDER DESCRIBED IN § 4-506(D) OF
22 THE FAMILY LAW ARTICLE.

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

25 (i) suitable bail;

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

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

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

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

