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2002 Regular Session 2lr1190 CF 2lr1189

By: Delegates Doory and D. Davis Introduced and read first time: February 8, 2002 Assigned to: Judiciary A BILL ENTITLED 1 AN ACT concerning 2 Criminal Procedure - Pretrial Release - Subsequent Crime of Violence 3 FOR the purpose of altering the conditions under which a judge may authorize the pretrial release of a defendant charged with a crime of violence if the defendant 4 5 has been previously convicted in this State of a crime of violence or in any other 6 jurisdiction of a crime that would be a crime of violence if committed in this State; altering a certain rebuttable presumption; and generally relating to 7 8 pretrial release by judges. 9 BY repealing and reenacting, with amendments, Article - Criminal Procedure 10 11 Section 5-202(c) 12 Annotated Code of Maryland 13 (2001 Volume) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 14 15 MARYLAND, That the Laws of Maryland read as follows: 16 **Article - Criminal Procedure** 17 5-202. 18 (c) (1) A District Court commissioner may not authorize the pretrial release 19 of a defendant charged with a crime of violence if the defendant has been previously 20 convicted: 21 in this State of a crime of violence; or (i) 22 (ii) in any other jurisdiction of a crime that would be a crime of 23 violence if committed in this State. 24 A judge may authorize the pretrial release of a defendant 25 described in paragraph (1) of this subsection ONLY on:

suitable bail; AND

1.

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	2. [any other] A DETAILED FINDING ON THE RECORD THAT TATES SPECIFIC conditions that will reasonably ensure that the defendant will not ee or pose a danger to another person or the community[; or
4 5	3. both bail and other conditions described under item 2 of his subparagraph].
8 9 10	(ii) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule 4-216(g), the judge shall order the continued detention of the defendant if the judge determines that [neither] suitable ail [nor any condition or combination of] AND conditions will NOT reasonably ensure that the defendant will not flee or pose a danger to another person or the community perfore the trial.
	(3) There is a rebuttable presumption that a defendant described in paragraph (1) of this subsection will flee [and] OR pose a danger to another person or] AND the community.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 16 effect October 1, 2002.