SENATE BILL 356

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By: Senator Pinsky (Prince George's County Administration) Introduced and read first time: January 28, 2002 Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

| 2 | Criminal Procedure - Pretrial Release - Subsequent Crime of Violence |
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| 3 4 5 6 7 8 | 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 has been previously convicted in this State of a crime of violence or in any other 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 pretrial release by judges. |
| 9 10 11 12 13 | BY repealing and reenacting, with amendments, Article - Criminal Procedure Section 5-202(c) Annotated Code of Maryland (2001 Volume) |
| 14 15 | SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: |
| 16 | Article - Criminal Procedure |
| 17 | 5-202. |
| | (c) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with a crime of violence if the defendant has been previously convicted: |
| 21 | (i) in this State of a crime of violence; or |
| 22 23 | (ii) in any other jurisdiction of a crime that would be a crime of violence if committed in this State. |
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| 24 25 | (2) (i) A judge may authorize the pretrial release of a defendant described in paragraph (1) of this subsection ONLY on: |

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1 2. [any other] A DETAILED FINDING ON THE RECORD THAT 2 STATES SPECIFIC conditions that will reasonably ensure that the defendant will not 3 flee or pose a danger to another person or the community[; or 4 3. both bail and other conditions described under item 2 of 5 this subparagraph]. 6 When a defendant described in paragraph (1) of this subsection (ii) 7 is presented to the court under Maryland Rule 4-216(g), the judge shall order the 8 continued detention of the defendant if the judge determines that [neither] suitable 9 bail [nor any condition or combination of] AND conditions will NOT reasonably ensure 10 that the defendant will not flee or pose a danger to another person or the community 11 before the trial. 12 (3)There is a rebuttable presumption that a defendant described in

13 paragraph (1) of this subsection will flee and pose a danger to another person [or] 14 AND the community.

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

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