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By: **Delegate Miller**

Introduced and read first time: February 15, 2005

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Protective Order Violation - Notice to Victim of**  
3 **Defendant's Pretrial Release**

4 FOR the purpose of requiring a court, as a condition of pretrial release of a defendant  
5 being held for violation of a certain interim, temporary, or final protective order,  
6 to require that a certain victim be given a certain notice of the release, in certain  
7 circumstances; and generally relating to the pretrial release of defendants  
8 arrested for violation of protective orders.

9 BY repealing and reenacting, with amendments,  
10 Article - Criminal Procedure  
11 Section 5-201(a)  
12 Annotated Code of Maryland  
13 (2001 Volume and 2004 Supplement)

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

16 **Article - Criminal Procedure**

17 5-201.

18 (a) (1) The court or a District Court commissioner shall consider including,  
19 as a condition of pretrial release for a defendant, reasonable protections for the safety  
20 of the alleged victim.

21 (2) If a victim has requested reasonable protections for safety, the court  
22 or a District Court commissioner shall consider including, as a condition of pretrial  
23 release, provisions regarding no contact with the alleged victim or the alleged victim's  
24 premises or place of employment.

25 (3) IF A VICTIM HAS REQUESTED NOTICE OF A PRETRIAL RELEASE OF A  
26 DEFENDANT BEING HELD FOR VIOLATION OF AN INTERIM, TEMPORARY, OR FINAL  
27 PROTECTIVE ORDER UNDER § 4-509 OF THE FAMILY LAW ARTICLE AND HAS  
28 PROVIDED THE ARRESTING OFFICER WITH A TELEPHONE NUMBER AT WHICH THE

1 VICTIM CAN BE CONTACTED, A COURT SHALL REQUIRE, AS A CONDITION OF  
2 PRETRIAL RELEASE, THAT THE VICTIM BE GIVEN NO LESS THAN 4 HOURS NOTICE OF  
3 THE RELEASE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2005.