

HOUSE BILL 1116

E2, D4

8lr2118

By: **Delegates Shank, Dumais, Frank, Hecht, Kramer, McComas, McConkey,
and Simmons**

Introduced and read first time: February 7, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Violation of Protective Order – Active Electronic**
3 **Monitoring**

4 FOR the purpose of authorizing the court, in a county that implements a global
5 positioning satellite tracking system program, to suspend the sentence of a
6 defendant convicted of failing to comply with certain relief granted in an interim
7 protective order, temporary protective order, or final protective order and place
8 the defendant under active electronic monitoring under certain conditions;
9 requiring a certain defendant to pay certain fees established by the county
10 under certain circumstances; authorizing a county to exempt a certain
11 defendant from certain fees under certain circumstances; and generally relating
12 to active electronic monitoring of a defendant who violates a protective order.

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Procedure
15 Section 6–221
16 Annotated Code of Maryland
17 (2001 Volume and 2007 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Family Law
20 Section 4–509(a)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2007 Supplement)

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

25 **Article – Criminal Procedure**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 6-221.

2 (A) [On] **SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON** entering a
3 judgment of conviction, the court may suspend the imposition or execution of sentence
4 and place the defendant on probation on the conditions that the court considers
5 proper.

6 (B) (1) **IN A COUNTY THAT IMPLEMENTS A GLOBAL POSITIONING**
7 **SATELLITE TRACKING SYSTEM PROGRAM, ON ENTERING A JUDGMENT OF**
8 **CONVICTION UNDER § 4-509 OF THE FAMILY LAW ARTICLE, THE COURT MAY**
9 **SUSPEND THE IMPOSITION OR EXECUTION OF SENTENCE AND PLACE THE**
10 **DEFENDANT ON PROBATION ON THE CONDITION THAT THE DEFENDANT IS:**

11 (I) **SUPERVISED BY MEANS OF ACTIVE ELECTRONIC**
12 **MONITORING; AND**

13 (II) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
14 **SUBSECTION, RESPONSIBLE FOR PAYING THE FEE FOR ACTIVE ELECTRONIC**
15 **MONITORING ESTABLISHED BY THE COUNTY.**

16 (2) **IF THE COUNTY DETERMINES THAT A DEFENDANT CANNOT**
17 **AFFORD TO PAY THE FEE ESTABLISHED IN PARAGRAPH (1) OF THIS**
18 **SUBSECTION, THE COUNTY MAY EXEMPT THE DEFENDANT WHOLLY OR PARTLY**
19 **FROM THE FEE.**

20 **Article - Family Law**

21 4-509.

22 (a) A person who fails to comply with the relief granted in an interim
23 protective order under § 4-504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a
24 temporary protective order under § 4-505(a)(2)(i), (ii), (iii), (iv), or (v) of this subtitle,
25 or a final protective order under § 4-506(d)(1), (2), (3), (4), (5), or (12) of this subtitle is
26 guilty of a misdemeanor and on conviction is subject, for each offense, to:

27 (1) for a first offense, a fine not exceeding \$1,000 or imprisonment not
28 exceeding 90 days or both; and

29 (2) for a second or subsequent offense, a fine not exceeding \$2,500 or
30 imprisonment not exceeding 1 year or both.

31 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
32 **October 1, 2008.**