

SENATE BILL 394

E2, D4

8lr2137
CF HB 181

By: **Senators Forehand, Garagiola, Jones, Kelley, King, Madaleno, Pinsky, Pugh, and Raskin**

Introduced and read first time: January 30, 2008

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Pretrial Release – Violation of Condition of “No**
3 **Contact” – Penalty**

4 FOR the purpose of making it a misdemeanor to violate a certain condition of pretrial
5 release that requires a defendant to have no contact with the alleged victim or
6 the alleged victim’s premises or place of employment; requiring an officer to
7 arrest with or without a warrant and take into custody a person who the officer
8 has probable cause to believe is in violation of a certain condition of pretrial
9 release; establishing criminal penalties for a violation of a certain condition of
10 pretrial release; and generally relating to violations of conditions of pretrial
11 release.

12 BY repealing and reenacting, without amendments,
13 Article – Criminal Procedure
14 Section 5–201(a)
15 Annotated Code of Maryland
16 (2001 Volume and 2007 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Criminal Procedure
19 Section 5–213
20 Annotated Code of Maryland
21 (2001 Volume and 2007 Supplement)

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

24 **Article – Criminal Procedure**

25 5–201.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

8 5-213.

9 (a) (1) **[A] SUBJECT TO SUBSECTION (B) OF THIS SECTION, A** court
10 may issue a bench warrant for the arrest of a defendant who violates a condition of
11 pretrial release.

12 **[(b)] (2)** After a defendant is presented before a court, the court may:

13 **[(1)] (I)** revoke the defendant's pretrial release; or

14 **[(2)] (II)** continue the defendant's pretrial release with or without
15 conditions.

16 **(B) (1) A PERSON WHO VIOLATES A CONDITION OF PRETRIAL**
17 **RELEASE UNDER § 5-201(A) OF THIS SUBTITLE THAT REQUIRES NO CONTACT**
18 **WITH THE ALLEGED VICTIM OR THE ALLEGED VICTIM'S PREMISES OR PLACE OF**
19 **EMPLOYMENT IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT**
20 **TO:**

21 **(I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000**
22 **OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH; AND**

23 **(II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT**
24 **EXCEEDING \$2,500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.**

25 **(2) AN OFFICER SHALL ARREST WITH OR WITHOUT A WARRANT**
26 **AND TAKE INTO CUSTODY A PERSON WHO THE OFFICER HAS PROBABLE CAUSE**
27 **TO BELIEVE IS IN VIOLATION OF A CONDITION OF PRETRIAL RELEASE**
28 **DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION IN EFFECT AT THE TIME OF**
29 **THE VIOLATION.**

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