

# SENATE BILL 700

E2, D4

8lr2250  
CF 8lr2118

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By: **Senator Forehand**

Introduced and read first time: February 1, 2008

Assigned to: Judicial Proceedings

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## 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**

26 6–221.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

19 **Article - Family Law**

20 4-509.

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

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

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

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