

SENATE BILL 1005

E1, E2

8lr3159

By: **Senator Gladden**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 10, 2008

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Elder Abuse – Increased Penalties and Restrictions on Pretrial**
3 **Release (The John H. Taylor Act)**

4 FOR the purpose of altering the penalties for the crime of causing abuse or neglect of a
5 vulnerable adult in the first degree; prohibiting a District Court commissioner
6 from authorizing the pretrial release of a defendant charged with causing abuse
7 or neglect of a vulnerable adult in the first degree; providing that a judge may
8 authorize the pretrial release of the defendant on certain conditions; requiring
9 the judge to order the continued detention of the defendant if neither suitable
10 bail nor other conditions will reasonably ensure that the defendant will not flee
11 or pose a danger to a certain person or the community before the trial; and
12 generally relating to elder abuse and increased penalties and restrictions on
13 pretrial release.

14 BY repealing and reenacting, without amendments,
15 Article – Criminal Law
16 Section 3–604(b)
17 Annotated Code of Maryland
18 (2002 Volume and 2007 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Criminal Law
21 Section 3–604(c)
22 Annotated Code of Maryland
23 (2002 Volume and 2007 Supplement)

24 BY adding to
25 Article – Criminal Procedure
26 Section 5–202(f)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2001 Volume and 2007 Supplement)

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

5 **Article – Criminal Law**

6 3–604.

7 (b) (1) A caregiver, a parent, or other person who has permanent or
8 temporary care or responsibility for the supervision of a vulnerable adult may not
9 cause abuse or neglect of the vulnerable adult that:

10 (i) results in the death of the vulnerable adult;

11 (ii) causes serious physical injury to the vulnerable adult; or

12 (iii) involves sexual abuse of the vulnerable adult.

13 (2) A household member or family member may not cause abuse or
14 neglect of a vulnerable adult that:

15 (i) results in the death of the vulnerable adult;

16 (ii) causes serious physical injury to the vulnerable adult; or

17 (iii) involves sexual abuse of the vulnerable adult.

18 (c) A person who violates this section is guilty of the felony of abuse or
19 neglect of a vulnerable adult in the first degree and on conviction is subject to
20 imprisonment not exceeding [10] **15** years or a fine not exceeding [\$10,000] **\$15,000**
21 or both.

22 **Article – Criminal Procedure**

23 5–202.

24 **(F) (1) A DISTRICT COURT COMMISSIONER MAY NOT AUTHORIZE**
25 **THE PRETRIAL RELEASE OF A DEFENDANT CHARGED WITH CAUSING ABUSE OR**
26 **NEGLECT OF A VULNERABLE ADULT IN THE FIRST DEGREE UNDER § 3–604 OF**
27 **THE CRIMINAL LAW ARTICLE.**

28 **(2) A JUDGE MAY AUTHORIZE THE PRETRIAL RELEASE OF A**
29 **DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION ON:**

30 **(I) SUITABLE BAIL THAT EXCEEDS \$5,000;**

1 **(II) ANY OTHER CONDITIONS, INCLUDING RETAINING THE**
2 **PASSPORT OF THE DEFENDANT, THAT WILL REASONABLY ENSURE THAT THE**
3 **DEFENDANT WILL NOT FLEE THE STATE OR THE COUNTRY OR POSE A DANGER**
4 **TO ANOTHER PERSON OR THE COMMUNITY; OR**

5 **(III) BOTH BAIL AND OTHER CONDITIONS DESCRIBED UNDER**
6 **ITEMS (I) AND (II) OF THIS PARAGRAPH.**

7 **(3) WHEN A DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS**
8 **SUBSECTION IS PRESENTED TO THE COURT UNDER MARYLAND RULE 4-216(F),**
9 **THE JUDGE SHALL ORDER THE CONTINUED DETENTION OF THE DEFENDANT IF**
10 **THE JUDGE DETERMINES THAT NEITHER SUITABLE BAIL NOR ANY CONDITION**
11 **OR COMBINATION OF CONDITIONS WILL REASONABLY ENSURE THAT THE**
12 **DEFENDANT WILL NOT FLEE THE STATE OR THE COUNTRY OR POSE A DANGER**
13 **TO ANOTHER PERSON OR THE COMMUNITY BEFORE THE TRIAL.**

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