

SENATE BILL 360

E1, E2

9lr0593

By: **Senator Gladden**

Introduced and read first time: January 30, 2009

Assigned to: Judicial Proceedings

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

14 BY repealing and reenacting, without amendments,
15 Article – Criminal Law
16 Section 3–604(b) and 3–605(b)
17 Annotated Code of Maryland
18 (2002 Volume and 2008 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Criminal Law
21 Section 3–604(c) and 3–605(c)
22 Annotated Code of Maryland
23 (2002 Volume and 2008 Supplement)

24 BY adding to
25 Article – Criminal Procedure
26 Section 5–202(f)
27 Annotated Code of Maryland
28 (2008 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Criminal Law**

4 3–604.

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

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

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

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

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

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

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

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

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

20 3–605.

21 (b) (1) A caregiver, a parent, or other person who has permanent or
22 temporary care or responsibility for the supervision of a vulnerable adult may not
23 cause abuse or neglect of the vulnerable adult.

24 (2) A household member or family member may not cause abuse or
25 neglect of a vulnerable adult.

26 (c) A person who violates this section is guilty of the misdemeanor of abuse
27 or neglect of a vulnerable adult in the second degree and on conviction is subject to
28 imprisonment not exceeding [5] **10** years or a fine not exceeding [\$5,000] **\$10,000** or
29 both.

30 **Article – Criminal Procedure**

1 5-202.

2 (F) (1) A DISTRICT COURT COMMISSIONER MAY NOT AUTHORIZE
3 THE PRETRIAL RELEASE OF A DEFENDANT CHARGED WITH CAUSING ABUSE OR
4 NEGLECT OF A VULNERABLE ADULT IN THE FIRST DEGREE UNDER § 3-604 OF
5 THE CRIMINAL LAW ARTICLE OR IN THE SECOND DEGREE UNDER § 3-605 OF
6 THE CRIMINAL LAW ARTICLE.

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

9 (I) SUITABLE CASH BAIL THAT EXCEEDS \$5,000;

10 (II) RETENTION OF PASSPORT;

11 (III) ANY OTHER CONDITION THAT WILL REASONABLY
12 ENSURE THAT THE DEFENDANT WILL NOT FLEE THE STATE OR THE COUNTRY
13 OR POSE A DANGER TO ANOTHER PERSON OR THE COMMUNITY; OR

14 (IV) A COMBINATION OF BAIL, RETENTION OF PASSPORT,
15 AND OTHER CONDITIONS DESCRIBED UNDER ITEMS (I), (II), AND (III) OF THIS
16 PARAGRAPH.

17 (3) WHEN A DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS
18 SUBSECTION IS PRESENTED TO THE COURT UNDER MARYLAND RULE 4-216(F),
19 THE JUDGE SHALL ORDER THE CONTINUED DETENTION OF THE DEFENDANT IF
20 THE JUDGE DETERMINES THAT NEITHER SUITABLE CASH BAIL NOR ANY
21 CONDITION OR COMBINATION OF CONDITIONS WILL REASONABLY ENSURE THAT
22 THE DEFENDANT WILL NOT FLEE THE STATE OR THE COUNTRY OR POSE A
23 DANGER TO ANOTHER PERSON OR THE COMMUNITY BEFORE THE TRIAL.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2009.