

HB0665/182915/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 665

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Domestic” insert “Prince George’s County -”; strike beginning with “Conditions” in line 2 down through “Device” in line 3 and substitute “GPS Tracking System Pilot Program for Offenders”; strike beginning with “authorizing” in line 4 down through “violence” in line 14 and substitute “requiring the court in Prince George’s County to implement a global positioning satellite tracking system pilot program that authorizes the court, as a condition of a defendant’s pretrial release on a charge of violating a certain protective order, to order that the defendant be supervised by means of active electronic monitoring as a condition of bail under certain circumstances; requiring the court in Prince George’s County to implement a global positioning satellite tracking system pilot program that authorizes the court, if the court suspends the sentence of a certain defendant convicted of failing to comply with certain relief granted in an interim protective order, temporary protective order, or final protective order, to order that the defendant be supervised by active electronic monitoring as a condition of probation under certain circumstances; authorizing the court to consider the preferences of the victim and the parties before issuing a certain order; requiring a certain defendant to pay certain fees established by the county under certain circumstances; authorizing the county to exempt the defendant from the fee under certain circumstances; requiring the Sheriff of Prince George’s County and the administrative judge for the District Court in Prince George’s County to submit a certain report on the pilot program; providing for the termination of this Act; providing that the abrogation of this Act does not terminate the obligation of a defendant to comply with an order entered by a court under this Act on or before a certain date; and generally relating to a global positioning satellite tracking system pilot program in Prince George’s County”.

(Over)

On pages 1 and 2, strike in their entirety the lines beginning with line 15 on page 1 through line 6 on page 2 and substitute:

“BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 5–202(e)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Criminal Procedure
Section 5–202(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–221
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–509(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)”.

AMENDMENT NO. 2

On pages 2 through 7, strike in their entirety the lines beginning with line 10 on page 2 through line 26 on page 7 and substitute:

“5–202.

(e) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with violating:

(i) the provisions of a temporary protective order described in § 4-505(a)(2)(i) of the Family Law Article or the provisions of a protective order described in § 4-506(d)(1) of the Family Law Article that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief; or

(ii) the provisions of an order for protection, as defined in § 4-508.1 of the Family Law Article, issued by a court of another state or of a Native American tribe that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief, if the order is enforceable under § 4-508.1 of the Family Law Article.

(2) A judge may allow the pretrial release of a defendant described in paragraph (1) of this subsection on:

(i) suitable bail;

(ii) any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community; or

(iii) both bail and other conditions described under subparagraph (ii) of this paragraph.

(3) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule 4-216(f), the judge shall order the continued detention of the defendant if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.

(G) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

(2) THE COURT SHALL IMPLEMENT A GLOBAL POSITIONING SATELLITE TRACKING SYSTEM PILOT PROGRAM AS A CONDITION OF PRETRIAL RELEASE OF A DEFENDANT DESCRIBED IN SUBSECTION (E) OF THIS SECTION.

(3) (I) THE COURT MAY ORDER THAT, AS A CONDITION OF BAIL, THE DEFENDANT BE:

1. SUPERVISED BY MEANS OF ACTIVE ELECTRONIC MONITORING; AND

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

(II) BEFORE ISSUING AN ORDER UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH, THE COURT MAY CONSIDER THE PREFERENCES OF THE VICTIM AND THE PARTIES.

(III) IF THE COUNTY DETERMINES THAT A DEFENDANT CANNOT AFFORD TO PAY THE FEE ESTABLISHED IN SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, THE COUNTY MAY EXEMPT THE DEFENDANT WHOLLY OR PARTLY FROM THE FEE.

(A) On entering a judgment of conviction, the court may suspend the imposition or execution of sentence and place the defendant on probation on the conditions that the court considers proper.

(B) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

(2) THE COURT SHALL IMPLEMENT A GLOBAL POSITIONING SATELLITE TRACKING SYSTEM PILOT PROGRAM AS A CONDITION OF PROBATION FOR A DEFENDANT CONVICTED UNDER § 4-509 OF THE FAMILY LAW ARTICLE.

(3) (I) ON ENTERING A JUDGMENT OF CONVICTION UNDER § 4-509 OF THE FAMILY LAW ARTICLE, IF THE COURT SUSPENDS THE IMPOSITION OR EXECUTION OF SENTENCE AND PLACES THE DEFENDANT ON PROBATION, THE COURT MAY ORDER THAT, AS A CONDITION OF PROBATION, THE DEFENDANT BE:

1. SUPERVISED BY MEANS OF ACTIVE ELECTRONIC MONITORING FOR THE DURATION OF THE PROTECTIVE ORDER; AND

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

(II) BEFORE ISSUING AN ORDER UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH, THE COURT MAY CONSIDER THE PREFERENCES OF THE VICTIM AND THE PARTIES.

(II) IF THE COUNTY DETERMINES THAT A DEFENDANT CANNOT AFFORD TO PAY THE FEE ESTABLISHED IN SUBPARAGRAPH (I)2 OF

THIS PARAGRAPH, THE COUNTY MAY EXEMPT THE DEFENDANT WHOLLY OR PARTLY FROM THE FEE.

Article – Family Law

4–509.

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September 1, 2012, the Sheriff of Prince George’s County and the administrative judge for the District Court in Prince George’s County jointly shall submit a report to the General Assembly, in accordance with § 2–1246 of the State Government Article, that evaluates the global positioning satellite tracking system pilot program established by this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the abrogation of this Act at the end of September 30, 2012, as provided in Section 4 of this Act, may not be interpreted or applied to terminate the obligation of a defendant to comply with any order entered by a court under this Act on or before September 30, 2012.”.

On page 7, in line 27, strike “2.” and substitute “4.”; and in line 28, after the period insert “It shall remain effective for a period of 2 years and, at the end of September 30, 2012, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.