

HOUSE BILL 60

E2

0lr1056

(PRE-FILED)

By: **Delegate Smigiel**

Requested: November 16, 2009

Introduced and read first time: January 13, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Violation of Pretrial or Posttrial Release No Contact**
3 **Order – Expedited Hearing (“Alexis’s Law”)**

4 FOR the purpose of authorizing an alleged victim, a pretrial services representative,
5 or a State’s Attorney to request an expedited hearing before a certain District
6 Court or circuit court judge if the alleged victim alleges that the defendant has
7 violated a certain condition of pretrial or posttrial release; requiring a court to
8 issue a bench warrant and schedule a certain expedited hearing under certain
9 circumstances; requiring a certain hearing to be held within a certain period of
10 time; authorizing a court to revoke or continue a defendant’s release under
11 certain circumstances; and generally relating to violations of conditions of
12 pretrial and posttrial release.

13 BY repealing and reenacting, without amendments,
14 Article – Criminal Procedure
15 Section 5–201(a) and 5–213
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2009 Supplement)

18 BY adding to
19 Article – Criminal Procedure
20 Section 5–213.1
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2009 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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5-201.

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

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

9 5-213.

10 (a) A court may issue a bench warrant for the arrest of a defendant who
11 violates a condition of pretrial release.

12 (b) After a defendant is presented before a court, the court may:

13 (1) revoke the defendant's pretrial release; or

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

16 **5-213.1.**

17 **(A) IF AN ALLEGED VICTIM ALLEGES THAT A DEFENDANT HAS**
18 **VIOLATED A CONDITION OF PRETRIAL OR POSTTRIAL RELEASE PROHIBITING**
19 **THE DEFENDANT FROM CONTACTING, HARASSING, OR ABUSING THE ALLEGED**
20 **VICTIM OR GOING IN OR NEAR THE ALLEGED VICTIM'S PREMISES OR PLACE OF**
21 **EMPLOYMENT, THE ALLEGED VICTIM, A PRETRIAL SERVICES REPRESENTATIVE,**
22 **OR A STATE'S ATTORNEY MAY REQUEST AN EXPEDITED HEARING BEFORE ANY**
23 **DISTRICT COURT OR CIRCUIT COURT JUDGE OF THE COUNTY IN WHICH THE**
24 **CASE IS PENDING ON THE MATTER.**

25 **(B) ON THE FILING OF A REQUEST UNDER SUBSECTION (A) OF THIS**
26 **SECTION, THE COURT SHALL ISSUE A BENCH WARRANT FOR THE ARREST OF THE**
27 **DEFENDANT AND SCHEDULE AN EXPEDITED HEARING.**

28 **(C) A HEARING SCHEDULED UNDER SUBSECTION (B) OF THIS SECTION**
29 **SHALL BE HELD NO LATER THAN 2 BUSINESS DAYS AFTER THE FILING OF A**
30 **REQUEST UNDER SUBSECTION (A) OF THIS SECTION.**

31 **(D) AT THE CONCLUSION OF THE HEARING, THE COURT MAY:**

32 **(1) REVOKE THE DEFENDANT'S RELEASE; OR**

1 **(2)** CONTINUE THE DEFENDANT'S RELEASE WITH OR WITHOUT
2 CONDITIONS.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2010.