

HOUSE BILL 1046

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By: Delegates Conway, Anderson, Aumann, Barnes, Bates, Beitzel, Bohanan, Branch, Bronrott, Cane, Carter, G. Clagett, Conaway, DeBoy, Doory, Dwyer, Eckardt, Elliott, Elmore, Frank, Gaines, Griffith, Gutierrez, Guzzone, Haddaway, Heller, James, Jennings, Jones, Kramer, Krebs, Levy, Mathias, McComas, McConkey, McDonough, Mizeur, Proctor, Ramirez, Robinson, Rosenberg, Rudolph, Schuh, Shewell, Simmons, Smigiel, Sossi, Stocksdale, Valderrama, Vallario, and Wood

Introduced and read first time: February 15, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Registered Sex Offenders – Restrictions on Pretrial**
3 **Release and Inclusion on RAP Sheet**

4 FOR the purpose of prohibiting a District Court commissioner from authorizing the
5 pretrial release of a defendant who is a registered sex offender; providing that a
6 judge may authorize the pretrial release of a certain defendant on suitable bail
7 or certain other conditions or both; requiring a judge to order the continued
8 detention of a certain defendant under certain circumstances at a certain time;
9 creating a rebuttable presumption that a certain defendant will flee and pose a
10 danger to another person or the community; adding the imposition of extended
11 sexual offender parole supervision as a certain reportable event that must be
12 reported to the Criminal Justice Information System Central Repository;
13 requiring a certain State Record of Arrest and Prosecution to prominently
14 indicate, if applicable, that a certain individual is a registered sex offender or
15 subject to a term of extended sexual offender parole supervision; and generally
16 relating to registered sex offenders.

17 BY adding to
18 Article – Criminal Procedure
19 Section 5–202(g), 10–215(a)(24), and 10–229
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2009 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Criminal Procedure

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 10–215(a)(23) and (24)
2 Annotated Code of Maryland
3 (2008 Replacement Volume and 2009 Supplement)

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

6 **Article – Criminal Procedure**

7 5–202.

8 **(G) (1) A DISTRICT COURT COMMISSIONER MAY NOT AUTHORIZE**
9 **THE PRETRIAL RELEASE OF A DEFENDANT WHO IS REGISTERED UNDER TITLE**
10 **11, SUBTITLE 7 OF THIS ARTICLE.**

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

13 **1. SUITABLE BAIL;**

14 **2. ANY OTHER CONDITIONS THAT WILL REASONABLY**
15 **ENSURE THAT THE DEFENDANT WILL NOT FLEE OR POSE A DANGER TO**
16 **ANOTHER PERSON OR THE COMMUNITY; OR**

17 **3. BOTH BAIL AND OTHER CONDITIONS DESCRIBED**
18 **UNDER ITEM 2 OF THIS SUBPARAGRAPH.**

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

26 **(3) THERE IS A REBUTTABLE PRESUMPTION THAT A DEFENDANT**
27 **DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WILL FLEE AND POSE A**
28 **DANGER TO ANOTHER PERSON OR THE COMMUNITY.**

29 10–215.

30 (a) The following events are reportable events under this subtitle that must
31 be reported to the Central Repository in accordance with § 10–214 of this subtitle:

1 (23) the initial registration of a person under Title 11, Subtitle 7 of this
2 article; [and]

3 **(24) THE IMPOSITION OF EXTENDED SEXUAL OFFENDER PAROLE**
4 **SUPERVISION UNDER TITLE 11, SUBTITLE 7 OF THIS ARTICLE; AND**

5 **[(24)] (25)** any other event arising out of or occurring during the course
6 of a criminal proceeding that the Secretary by regulation or the Court of Appeals by
7 rule makes a reportable event.

8 **10-229.**

9 **A STATE RECORD OF ARREST AND PROSECUTION (“RAP” SHEET) THAT**
10 **IS ACCESSIBLE BY JUDICIAL OFFICERS FOR PURPOSES OF MAKING PRETRIAL**
11 **RELEASE DETERMINATIONS SHALL PROMINENTLY INDICATE, IF APPLICABLE,**
12 **THAT THE INDIVIDUAL WHO IS THE SUBJECT OF THE REPORT IS:**

13 **(1) A REGISTERED SEX OFFENDER; OR**

14 **(2) SUBJECT TO A TERM OF EXTENDED SEXUAL OFFENDER**
15 **PAROLE SUPERVISION UNDER TITLE 11, SUBTITLE 7 OF THIS ARTICLE.**

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