

# HOUSE BILL 1336

E2, L1

0lr2957

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By: **Washington County Delegation**

Introduced and read first time: February 18, 2010

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Washington County – Domestic Violence – GPS Tracking System Pilot**  
3 **Program for Offenders**

4 FOR the purpose of ~~authorizing~~ requiring the court in Washington County to  
5 implement a global positioning satellite tracking system pilot program that ~~will~~  
6 ~~require~~ authorizes the court, as a condition of a defendant's pretrial release on a  
7 charge of violating a certain protective order, ~~that the court to order~~ that the  
8 defendant be supervised by means of active electronic monitoring as a condition  
9 of bail under certain circumstances; ~~authorizing~~ requiring the court in  
10 Washington County to implement a global positioning satellite tracking system  
11 pilot program that ~~will require~~ authorizes the court, if the court suspends the  
12 sentence of a certain defendant convicted of failing to comply with certain relief  
13 granted in an interim protective order, temporary protective order, or final  
14 protective order, ~~that the court place to order that~~ the defendant ~~under~~ be  
15 supervised by active electronic monitoring as a condition of probation under  
16 certain circumstances; requiring a certain defendant to pay certain fees  
17 established by the county under certain circumstances; authorizing the county  
18 to exempt the defendant from the fee under certain circumstances; requiring the  
19 Sheriff of Washington County and the administrative judge for the District  
20 Court in Washington County to submit a certain report on the pilot program;  
21 providing for the termination of this Act; providing that the abrogation of this  
22 Act does not terminate the obligation of a defendant to comply with an order  
23 entered by a court under this Act on or before a certain date; and generally  
24 relating to a ~~pilot program for the electronic monitoring of defendants subject to~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~protective orders~~ global positioning satellite tracking system pilot program in  
2 Washington County.

3 BY repealing and reenacting, without amendments,  
4 Article – Criminal Procedure  
5 Section 5–202(e)  
6 Annotated Code of Maryland  
7 (2008 Replacement Volume and 2009 Supplement)

8 BY adding to  
9 Article – Criminal Procedure  
10 Section 5–202(g)  
11 Annotated Code of Maryland  
12 (2008 Replacement Volume and 2009 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Criminal Procedure  
15 Section 6–221  
16 Annotated Code of Maryland  
17 (2008 Replacement Volume and 2009 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article – Family Law  
20 Section 4–509(a)  
21 Annotated Code of Maryland  
22 (2006 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**

26 5–202.

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

29 (i) the provisions of a temporary protective order described in §  
30 4–505(a)(2)(i) of the Family Law Article or the provisions of a protective order  
31 described in § 4–506(d)(1) of the Family Law Article that order the defendant to  
32 refrain from abusing or threatening to abuse a person eligible for relief; or

33 (ii) the provisions of an order for protection, as defined in §  
34 4–508.1 of the Family Law Article, issued by a court of another state or of a Native  
35 American tribe that order the defendant to refrain from abusing or threatening to  
36 abuse a person eligible for relief, if the order is enforceable under § 4–508.1 of the  
37 Family Law Article.

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

3                   (i) suitable bail;

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

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

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

14           **(G) (1) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.**

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

18           **(3) (I) THE COURT ~~SHALL~~ MAY ORDER THAT, AS A CONDITION**  
19 **OF BAIL, THE DEFENDANT BE:**

20                   **1. SUPERVISED BY MEANS OF ACTIVE ELECTRONIC**  
21 **MONITORING; AND**

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

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

29 6-221.

30           **(A) ~~{On} SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON~~ entering a**  
31 **judgment of conviction, the court may suspend the imposition or execution of sentence**  
32 **and place the defendant on probation on the conditions that the court considers**  
33 **proper.**



1 evaluates the global positioning satellite tracking system pilot program established by  
2 this Act.

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

7 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take  
8 effect October 1, 2010. It shall remain effective for a period of 2 years and, at the end  
9 of September 30, 2012, with no further action required by the General Assembly, this  
10 Act shall be abrogated and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.