

Chapter 187

(House Bill 60)

AN ACT concerning

Criminal Procedure – Violation by Child Sexual Offender of Pretrial or Posttrial Release No Contact Order – ~~Expedited Hearing~~ (“Alexis’s Law”)

FOR the purpose of authorizing ~~an alleged victim, a pretrial services representative, or a State’s Attorney to request an expedited hearing before a certain District Court or circuit court judge if the alleged victim alleges that the defendant has violated a certain condition of pretrial or posttrial release; requiring a court to issue a bench warrant and schedule a certain expedited hearing under certain circumstances; requiring a certain hearing to be held within a certain period of time; authorizing a court to revoke or continue a defendant’s release under certain circumstances;~~ a police officer to arrest a person without a warrant if the police officer has probable cause to believe that the person has violated a condition of pretrial or posttrial release; prohibiting a person charged with committing a certain sexual crime against a victim who is a minor from violating a certain condition of pretrial or posttrial release; establishing a penalty for a violation of certain conditions of pretrial or posttrial release; and generally relating to violations of conditions of pretrial and posttrial release.

BY repealing and reenacting, ~~without~~ with amendments,
Article – Criminal Procedure
Section ~~5-201(a) and 5-213~~ 2-203
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Criminal Procedure
Section 5-213.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Article – Criminal Procedure

~~5-201.~~

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

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

~~5-213.~~

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

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

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

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

~~5-213.1.~~

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

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

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

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

~~(1) REVOKE THE DEFENDANT'S RELEASE; OR~~

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

2-203.

(a) A police officer without a warrant may arrest a person if the police officer has probable cause to believe:

(1) that the person has committed a crime listed in subsection (b) of this section; and

(2) that unless the person is arrested immediately, the person:

(i) may not be apprehended;

(ii) may cause physical injury or property damage to another; or

(iii) may tamper with, dispose of, or destroy evidence.

(b) The crimes referred to in subsection (a)(1) of this section are:

(1) manslaughter by vehicle or vessel under § 2-209 of the Criminal Law Article;

(2) malicious burning under § 6-104 or § 6-105 of the Criminal Law Article or an attempt to commit the crime;

(3) malicious mischief under § 6-301 of the Criminal Law Article or an attempt to commit the crime;

(4) a theft crime where the value of the property or services stolen is less than \$500 under § 7-104 or § 7-105 of the Criminal Law Article or an attempt to commit the crime;

(5) the crime of giving or causing to be given a false alarm of fire under § 9-604 of the Criminal Law Article;

(6) indecent exposure under § 11-107 of the Criminal Law Article;

(7) a crime that relates to controlled dangerous substances under Title 5 of the Criminal Law Article or an attempt to commit the crime;

(8) the wearing, carrying, or transporting of a handgun under § 4-203 or § 4-204 of the Criminal Law Article;

(9) carrying or wearing a concealed weapon under § 4-101 of the Criminal Law Article; [and]

(10) prostitution and related crimes under Title 11, Subtitle 3 of the Criminal Law Article; AND

(11) VIOLATION OF A CONDITION OF PRETRIAL OR POSTTRIAL RELEASE UNDER § 5-213.1 OF THIS ARTICLE.

5-213.1.

(A) A PERSON CHARGED WITH COMMITTING A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE AGAINST A VICTIM WHO IS A MINOR MAY NOT VIOLATE A CONDITION OF PRETRIAL OR POSTTRIAL RELEASE PROHIBITING THE PERSON FROM CONTACTING, HARASSING, OR ABUSING THE ALLEGED VICTIM OR GOING IN OR NEAR THE ALLEGED VICTIM'S RESIDENCE OR PLACE OF EMPLOYMENT.

(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS.

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

Approved by the Governor, May 4, 2010.