

Chapter 464

(House Bill 1336)

AN ACT concerning

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

FOR the purpose of ~~authorizing requiring the court in~~ Washington County to implement a global positioning satellite tracking system pilot program that ~~will require~~ authorizes the court, as a condition of a defendant's pretrial release on a charge of violating a certain protective order, ~~that the court to order that~~ the defendant be supervised by means of active electronic monitoring as a condition of bail under certain circumstances; ~~authorizing requiring the court in~~ Washington County to implement a global positioning satellite tracking system pilot program that ~~will require~~ 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, ~~that the court place to order that~~ the defendant ~~under be supervised by~~ active electronic monitoring as a condition of probation under certain circumstances; requiring a certain defendant to pay certain fees established by the county under certain circumstances; ~~authorizing the county court to exempt the defendant from the fee under certain circumstances;~~ requiring the Sheriff of Washington County and the administrative judge for the District Court in Washington 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 ~~pilot program for the electronic monitoring of defendants subject to protective orders~~ global positioning satellite tracking system pilot program in Washington County.

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)

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

Article – Criminal Procedure

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 WASHINGTON COUNTY.

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

6-221.

(A) ~~{On} SUBJECT TO SUBSECTION (B) OF THIS SECTION, 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 WASHINGTON COUNTY.

(2) THE ~~COURT~~ COUNTY 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 ~~SHALL~~ 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) IF THE ~~COUNTY~~ COURT DETERMINES THAT A DEFENDANT CANNOT AFFORD TO PAY THE FEE ESTABLISHED IN SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, THE ~~COUNTY~~ COURT 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 Washington County and the administrative judge for the District Court in Washington 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.

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

Approved by the Governor, May 4, 2010.