

HOUSE BILL 420

E2

2lr2296
CF 2lr2295

By: **Washington County Delegation**

Introduced and read first time: February 1, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Washington County – Assault – Global Positioning Satellite Tracking Pilot**
3 **Program**

4 FOR the purpose of expanding the global positioning satellite tracking system pilot
5 program in Washington County to authorize the court, if the court suspends the
6 sentence of a certain defendant convicted of first or second degree assault, to
7 order the defendant to be supervised by active electronic monitoring as a
8 condition of probation under certain circumstances; authorizing the court to
9 order a certain defendant to be supervised by active electronic monitoring for
10 the duration of probation; authorizing the court to order a certain defendant to
11 maintain a landline telephone number during the duration of the active
12 electronic monitoring under certain circumstances; extending the termination
13 date for provisions of law concerning the global positioning satellite tracking
14 system pilot program in Washington County; altering a certain date on or before
15 which abrogation of this Act does not terminate the obligation of a defendant to
16 comply with an order entered by a court under this Act; and generally relating
17 to a global positioning satellite tracking system pilot program in Washington
18 County.

19 BY repealing and reenacting, with amendments,
20 Article – Criminal Procedure
21 Section 6–221(c)
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2011 Supplement)

24 BY repealing and reenacting, with amendments,
25 Chapter 464 of the Acts of 2010
26 Section 3 and 4

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Criminal Procedure**

2 6–221.

3 (c) (1) This subsection applies only in Washington County.

4 (2) The county shall implement a global positioning satellite tracking
5 system pilot program as a condition of probation for a defendant convicted under §
6 4–509 of the Family Law Article **OR § 3–202 OR § 3–203 OF THE CRIMINAL LAW**
7 **ARTICLE.**

8 (3) (i) On entering a judgment of conviction under § 4–509 of the
9 Family Law Article **OR § 3–202 OR § 3–203 OF THE CRIMINAL LAW ARTICLE**, if
10 the court suspends the imposition or execution of sentence and places the defendant on
11 probation, the court may order that, as a condition of probation, the defendant be:

12 1. supervised by means of active electronic monitoring
13 for the duration of the protective order **OR PROBATION**; and

14 2. except as provided in subparagraph (ii) of this
15 paragraph, responsible for paying the fee for active electronic monitoring established
16 by the county.

17 (ii) If the court determines that a defendant cannot afford to pay
18 the fee established in subparagraph (i)2 of this paragraph, the court may exempt the
19 defendant wholly or partly from the fee.

20 **(4) IF THE COURT ORDERS A DEFENDANT TO BE SUPERVISED BY**
21 **MEANS OF ACTIVE ELECTRONIC MONITORING UNDER THIS SUBSECTION, THE**
22 **COURT ALSO MAY ORDER THE DEFENDANT TO MAINTAIN A LANDLINE**
23 **TELEPHONE NUMBER FOR THE DURATION OF THE ACTIVE ELECTRONIC**
24 **MONITORING.**

25 **Chapter 464 of the Acts of 2010**

26 SECTION 3. AND BE IT FURTHER ENACTED, That the abrogation of this Act
27 at the end of September 30, [2012] **2015**, as provided in Section 4 of this Act, may not
28 be interpreted or applied to terminate the obligation of a defendant to comply with any
29 order entered by a court under this Act on or before September 30, [2012] **2015**.

30 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2010. It shall remain effective for a period [2] **5** years and, at the end of
32 September 30, [2012] **2015**, with no further action required by the General Assembly,
33 this Act shall be abrogated and of no further force and effect.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2012.