

HOUSE BILL 1466

E2

2lr2955

By: **Delegate Barnes**

Rules suspended

Introduced and read first time: March 12, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Domestic Violence – GPS Tracking System Pilot**
3 **Program for Offenders**

4 FOR the purpose of repealing the requirement that Prince George's County implement
5 a certain GPS tracking system pilot program for certain offenders as a condition
6 of pretrial release or probation; requiring the Division of Parole and Probation
7 to implement and operate the pilot program; providing that the Division
8 establishes certain fees; repealing the requirement that the Sheriff of Prince
9 George's County provide a certain report; requiring the Director of the Division
10 of Parole and Probation and the administrative judge for the District Court in
11 Prince George's County to submit a certain report; altering a certain date
12 relating to the obligation of certain defendants to comply with a certain order;
13 providing for an extension of the termination of certain provisions of law; and
14 generally relating to a global positioning satellite tracking system pilot program
15 in Prince George's County.

16 BY repealing and reenacting, without amendments,
17 Article – Criminal Procedure
18 Section 5–202(e) and 6–221(a)
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2011 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Criminal Procedure
23 Section 5–202(h) and 6–221(b)
24 Annotated Code of Maryland
25 (2008 Replacement Volume and 2011 Supplement)

26 BY repealing and reenacting, with amendments,
27 Chapter 429 of the Acts of the General Assembly of 2010

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 2, 3, and 4

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

4 **Article – Criminal Procedure**

5 5–202.

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

8 (i) the provisions of a temporary protective order described in §
9 4–505(a)(2)(i) of the Family Law Article or the provisions of a protective order
10 described in § 4–506(d)(1) of the Family Law Article that order the defendant to
11 refrain from abusing or threatening to abuse a person eligible for relief; or

12 (ii) the provisions of an order for protection, as defined in §
13 4–508.1 of the Family Law Article, issued by a court of another state or of a Native
14 American tribe that order the defendant to refrain from abusing or threatening to
15 abuse a person eligible for relief, if the order is enforceable under § 4–508.1 of the
16 Family Law Article.

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

19 (i) suitable bail;

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

22 (iii) both bail and other conditions described under item (ii) of
23 this paragraph.

24 (3) When a defendant described in paragraph (1) of this subsection is
25 presented to the court under Maryland Rule 4–216(f), the judge shall order the
26 continued detention of the defendant if the judge determines that neither suitable bail
27 nor any condition or combination of conditions will reasonably ensure that the
28 defendant will not flee or pose a danger to another person or the community before the
29 trial.

30 (h) (1) This subsection applies only in Prince George’s County.

31 (2) The [county] **DIVISION OF PAROLE AND PROBATION** shall
32 implement **AND OPERATE** a global positioning satellite tracking system pilot program
33 as a condition of pretrial release of a defendant described in subsection (e) of this
34 section.

1 (3) (i) The court may order that, as a condition of bail, the
2 defendant be:

3 1. supervised by means of active electronic monitoring;
4 and

5 2. except as provided in subparagraph (iii) of this
6 paragraph, responsible for paying the fee for active electronic monitoring established
7 by the [county] **DIVISION OF PAROLE AND PROBATION.**

8 (ii) Before issuing an order under subparagraph (i)1 of this
9 paragraph, the court may consider the preferences of the victim and the parties.

10 (iii) If the court determines that a defendant cannot afford to pay
11 the fee established in subparagraph (i)2 of this paragraph, the court may exempt the
12 defendant wholly or partly from the fee.

13 6–221.

14 (a) On entering a judgment of conviction, the court may suspend the
15 imposition or execution of sentence and place the defendant on probation on the
16 conditions that the court considers proper.

17 (b) (1) This subsection applies only in Prince George’s County.

18 (2) The [county] **DIVISION OF PAROLE AND PROBATION** shall
19 implement **AND OPERATE** a global positioning satellite tracking system pilot program
20 as a condition of probation for a defendant convicted under § 4–509 of the Family Law
21 Article.

22 (3) (i) On entering a judgment of conviction under § 4–509 of the
23 Family Law Article, if the court suspends the imposition or execution of sentence and
24 places the defendant on probation, the court may order that, as a condition of
25 probation, the defendant be:

26 1. supervised by means of active electronic monitoring
27 for the duration of the protective order; and

28 2. except as provided in subparagraph (iii) of this
29 paragraph, responsible for paying the fee for active electronic monitoring established
30 by the [county] **DIVISION OF PAROLE AND PROBATION.**

31 (ii) Before issuing an order under subparagraph (i)1 of this
32 paragraph, the court may consider the preferences of the victim and the parties.

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

4 **Chapter 429 of the Acts of 2010**

5 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September 1,
6 [2012] **2014**, the [Sheriff of Prince George's County] **DIRECTOR OF THE DIVISION OF**
7 **PAROLE AND PROBATION** and the administrative judge for the District Court in Prince
8 George's County jointly shall submit a report to the General Assembly, in accordance with
9 § 2-1246 of the State Government Article, that evaluates the global positioning satellite
10 tracking system pilot program established by this Act.

11 SECTION 3. AND BE IT FURTHER ENACTED, That the abrogation of this Act at
12 the end of September 30, [2012] **2014**, as provided in Section 4 of this Act, may not be
13 interpreted or applied to terminate the obligation of a defendant to comply with any order
14 entered by a court under this Act on or before September 30, [2012] **2014**.

15 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2010. It shall remain effective for a period of [2 years] **4 YEARS** and, at the end
17 of September 30, [2012] **2014**, with no further action required by the General Assembly,
18 this Act shall be abrogated and of no further force and effect.

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