

SENATE BILL 690

E2

2lr2759
CF HB 338

By: **Senator Shank**

Introduced and read first time: February 3, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Pretrial Release – Restrictions**

3 FOR the purpose of prohibiting a District Court commissioner from authorizing the
4 pretrial release of a defendant who is charged with certain crimes; providing
5 that a judge may authorize the pretrial release of a certain defendant on certain
6 conditions and cash bail, a corporate surety bond, or a certain property bond;
7 creating a rebuttable presumption that a certain defendant will flee and pose a
8 danger to another person or the community; and generally relating to pretrial
9 release and restrictions on pretrial release.

10 BY adding to

11 Article – Criminal Procedure

12 Section 5–202(j)

13 Annotated Code of Maryland

14 (2008 Replacement Volume and 2011 Supplement)

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

17 **Article – Criminal Procedure**

18 5–202.

19 **(J) (1) A DISTRICT COURT COMMISSIONER MAY NOT AUTHORIZE**
20 **THE PRETRIAL RELEASE OF A DEFENDANT CHARGED WITH COMMITTING ONE OF**
21 **THE FOLLOWING CRIMES:**

22 **(I) MURDER;**

23 **(II) MANSLAUGHTER;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (III) KIDNAPPING;
- 2 (IV) SEXUAL OFFENSE IN THE FIRST DEGREE;
- 3 (V) SEXUAL OFFENSE IN THE SECOND DEGREE;
- 4 (VI) SEXUAL OFFENSE IN THE THIRD DEGREE;
- 5 (VII) ASSAULT WITH INTENT TO COMMIT A SEXUAL OFFENSE
6 IN THE FIRST DEGREE;
- 7 (VIII) ASSAULT WITH INTENT TO COMMIT A SEXUAL OFFENSE
8 IN THE SECOND DEGREE;
- 9 (IX) SEXUAL ABUSE OF A MINOR; OR
- 10 (X) CARJACKING.

11 (2) A JUDGE MAY AUTHORIZE THE PRETRIAL RELEASE OF A
12 DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION ON:

13 (I) ANY CONDITIONS THAT WILL REASONABLY ENSURE
14 THAT THE DEFENDANT WILL NOT FLEE OR POSE A DANGER TO ANOTHER
15 PERSON OR THE COMMUNITY; AND

16 (II) 1. SUITABLE FULL CASH BAIL;

17 2. A BOND EXECUTED BY A CORPORATE SURETY
18 AUTHORIZED TO DO BUSINESS IN THE STATE; OR

19 3. A BAIL BOND SECURED BY REAL PROPERTY
20 LOCATED IN THE STATE WITH UNENCUMBERED EQUITY EQUAL TO THE AMOUNT
21 OF BAIL UNDERTAKING PLUS \$20,000.

22 (3) THERE IS A REBUTTABLE PRESUMPTION THAT A DEFENDANT
23 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WILL FLEE AND POSE A
24 DANGER TO ANOTHER PERSON OR THE COMMUNITY.

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