

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1232

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Pretrial Confinement and Release” and substitute “Task Force on Pretrial Risk Assessment – Detainee Electronic Information Sharing System”; and strike beginning with “altering” in line 3 down through “manner;” in line 16.

On pages 1 and 2, strike beginning with “repealing” in line 19 on page 1 down through “terms;” in line 11 on page 2 and substitute “establishing the Task Force on Pretrial Risk Assessment; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; establishing the duties of the Task Force; authorizing the Task Force to seek and obtain funding from certain sources and to hire or consult certain experts or other individuals or organizations as necessary to carry out its duties; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before certain dates; requiring the Office of Legislative Audits to conduct a certain performance audit on or before a certain date; providing that the scope and objectives of a certain performance audit may be modified with the approval of a certain committee; requiring the Secretary of Public Safety and Correctional Services, in conjunction with the Task Force, to establish a certain Pretrial Risk Assessment Tool Pilot Program in certain jurisdictions;”.

On page 2, in line 13, strike “pretrial confinement and release” and substitute “the Task Force on Pretrial Risk Assessment and detainee electronic information sharing system”; strike in their entirety lines 14 through 18, inclusive; and strike beginning with “5-303” in line 21 down through “and” in line 22.

(Over)

On pages 2 and 3, strike in their entirety the lines beginning with line 25 on page 2 through line 13 on page 3, inclusive.

AMENDMENT NO. 2

On pages 3 through 6, strike in their entirety the lines beginning with line 17 on page 3 through line 30 on page 6, inclusive.

On page 7, in line 1, strike “INMATE” and substitute “DETAINEE”; and strike beginning with “the” in line 12 down through “follows” in line 13.

AMENDMENT NO. 3

On pages 7 through 22, strike in their entirety the lines beginning with line 14 on page 7 through line 26 on page 22, inclusive, and substitute:

“(a) There is a Task Force on Pretrial Risk Assessment.

(b) The Task Force consists of the following members:

(1) a member of the Senate Judicial Proceedings Committee, appointed by the President of the Senate;

(2) a member of the House Judiciary Committee, appointed by the Speaker of the House;

(3) the Secretary of Public Safety and Correctional Services or the Secretary’s designee;

(4) the Attorney General or the Attorney General’s designee;

(5) the Public Defender or the Public Defender’s designee; and

(6) the following individuals, appointed by the Governor:

- (i) a representative of the Maryland State's Attorneys' Association;
- (ii) a representative of the Maryland Chiefs of Police Association, Inc.;
- (iii) a representative of the Maryland Sheriffs' Association;
- (iv) a representative of the Maryland Correctional Administrators Association;
- (v) four representatives of local jail and pretrial services programs;
- (vi) a representative of an organization with the primary purpose of advancing appropriate pretrial justice practices and policies;
- (vii) a representative of an organization with the primary purpose of advocating in the area of criminal defense;
- (viii) a representative of an organization with the primary purpose of advancing civil liberties;
- (ix) a representative of an organization with the primary purpose of advocating on behalf of or assisting individuals with mental illness;
- (x) a representative of an organization representing the bail bond industry;
- (xi) a representative of an organization representing the property bond industry;

(xii) a representative of the Job Opportunities Task Force;

(xiii) a representative of an organization that provides alcohol and drug abuse treatment;

(xiv) a representative of the National Association for the Advancement of Colored People;

(xv) a representative of an organization with the primary purpose of advocating on behalf of or assisting crime victims;

(xvi) a representative of the National Bar Association;

(xvii) a representative of the Maryland Hispanic Bar Association;

(xviii) a representative of the Asian Pacific American Bar Association of Maryland;

(xix) two retired judges; and

(xx) a representative of the court interpreter's office.

(c) To the extent practicable, in making appointments under this section, the Governor shall ensure geographic diversity among the membership of the Task Force.

(d) The Task Force shall elect a chair of the Task Force from among its members.

(e) The Department of Public Safety and Correctional Services shall provide staff for the Task Force.

(f) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Task Force shall:

(1) study the feasibility and appropriateness of adopting a pretrial risk assessment tool for use by judicial officers in an advisory capacity only;

(2) consult and coordinate with other states and national organizations to provide guidance regarding nationally established standards relating to pretrial risk assessment tools;

(3) review the methodologies and procedures necessary to use an objective and research-based pretrial risk assessment tool in order to make recommendations for implementation of an initial statistical study and possible subsequent use of such a tool in other jurisdictions as authorized by the Task Force;

(4) consult and coordinate with other units of the State and local jurisdictions concerning pretrial risk assessment tools;

(5) recommend a validated pretrial risk assessment tool that:

(i) can be proven through research to predict risk of failure to appear and danger to the community pending trial;

(ii) can equitably classify defendants regardless of their race, ethnicity, gender, or financial status; and

(Over)

(iii) can be adapted to Maryland criminal statutes;

(6) conduct a statistical study of the validated pretrial risk assessment tool on a dataset collected from a sample of defendants arrested over a specified period of time in Baltimore City and a rural county for the purpose of providing a comparison of the assessments made by the jurisdictions' existing system and the selected pretrial risk assessment tool;

(7) study the feasibility and appropriateness of revising current pretrial release programs, including:

(i) expanding categories of offenses for which either a citation or summons may be issued in lieu of arrest;

(ii) implementing procedures for a validated pretrial risk assessment tool for use in making uniform pretrial release decisions with respect to persons arrested; and

(iii) determining whether such a tool has been proven sufficient to inform release decisions by judicial officers and, if not, what additional investigation or information may be appropriate to consider;

(8) advise on the appropriate use and administration of the pretrial risk assessment tool;

(9) advise on any constitutional concerns regarding the use and administration of the pretrial risk assessment tool; and

(10) advise on which branch or branches of government are most appropriate to administer the pretrial risk assessment tool.

(h) (1) The Task Force may seek and obtain funding from any governmental or nongovernmental source to carry out its duties under this Act.

(2) The Task Force may hire or consult experts or other individuals or organizations as necessary to assist the Task Force in carrying out its duties under this Act.

(i) (1) On or before December 31, 2014, the Task Force shall submit an initial report of its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

(2) On or before December 31, 2015, the Task Force shall submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

(3) On or before December 31, 2016, the Task Force shall submit a final report of its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before December 31, 2015, the Office of Legislative Audits shall conduct a performance audit, in accordance with § 2-1221(b) of the State Government Article, to evaluate the results of the validated pretrial risk assessment tool statistical study or subsequent implementation in other jurisdictions.

(b) The specific objectives of the required audit shall be:

(1) to assess whether the methodology and related policies and procedures implemented in conjunction with the statistical study were appropriate and consistent with guidance obtained by the Task Force on Pretrial Risk Assessment

(Over)

from national organizations, other states, and other units of the State and local jurisdictions concerning pretrial risk assessment tools;

(2) to assess the processes and controls in place during the study, including the reliability of the data collected and used; and

(3) to evaluate the reasonableness of the study's conclusions, including a comparison of the assessment results from the existing systems to those of the tool during the pilot period.

SECTION 4. AND BE IT FURTHER ENACTED, That the scope and objectives of the audit required under Section 3 of this Act may be modified with the approval of the Joint Audit Committee.

SECTION 5. AND BE IT FURTHER ENACTED, That on or before July 1, 2016, the Secretary of Public Safety and Correctional Services, in conjunction with the Task Force on Pretrial Risk Assessment, shall establish a Pretrial Risk Assessment Tool Pilot Program in Baltimore City and one rural county that requires judicial officers in those jurisdictions to utilize the validated risk assessment tool recommended by the Task Force in determining eligibility for the pretrial release of arrested individuals brought before a judicial officer."

On page 22, in line 27, strike "5." and substitute "6."; in the same line, strike "2" and substitute "1"; in line 29, strike "6." and substitute "7."; in line 30, strike "5" and substitute "6"; in the same line, strike "Section 3" and substitute "Sections 2 and 5"; in line 31, strike "1 year" and substitute "3 years"; in the same line, strike "2015" and substitute "2017"; and in line 32, strike "Section 3" and substitute "Sections 2 and 5".