

SENATE BILL 412

E2

5lr1973
CF HB 31

By: **Senator Gladden**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Elder Abuse or Neglect – Restrictions on Pretrial Release**

3 FOR the purpose of prohibiting a District Court commissioner from authorizing the pretrial
4 release of a defendant charged with causing abuse or neglect of a vulnerable adult
5 in the first or second degree; providing that a judge may authorize the pretrial
6 release of the defendant on certain conditions; requiring the judge to order the
7 continued detention of the defendant if neither suitable bail nor other conditions will
8 reasonably ensure that the defendant will not flee or pose a danger to a certain
9 person or the community before the trial; and generally relating to elder abuse or
10 neglect.

11 BY adding to
12 Article – Criminal Procedure
13 Section 5–202(h)
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2014 Supplement)

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

18 **Article – Criminal Procedure**

19 5–202.

20 **(H) (1) A DISTRICT COURT COMMISSIONER MAY NOT AUTHORIZE THE**
21 **PRETRIAL RELEASE OF A DEFENDANT CHARGED WITH CAUSING ABUSE OR NEGLECT**
22 **OF A VULNERABLE ADULT IN THE FIRST DEGREE UNDER § 3–604 OF THE CRIMINAL**
23 **LAW ARTICLE OR IN THE SECOND DEGREE UNDER § 3–605 OF THE CRIMINAL LAW**
24 **ARTICLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **(I) SUITABLE BAIL THAT EXCEEDS \$5,000;**

4 **(II) RETENTION OF PASSPORT;**

5 **(III) ANY OTHER CONDITION THAT WILL REASONABLY ENSURE**
6 **THAT THE DEFENDANT WILL NOT FLEE THE STATE OR THE COUNTRY OR POSE A**
7 **DANGER TO ANOTHER PERSON OR THE COMMUNITY; OR**

8 **(IV) A COMBINATION OF BAIL, RETENTION OF PASSPORT, AND**
9 **OTHER CONDITIONS DESCRIBED UNDER ITEMS (I), (II), AND (III) OF THIS**
10 **PARAGRAPH.**

11 **(3) WHEN A DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS**
12 **SUBSECTION IS PRESENTED TO THE COURT UNDER MARYLAND RULE 4-216(F), THE**
13 **JUDGE SHALL ORDER THE CONTINUED DETENTION OF THE DEFENDANT IF THE**
14 **JUDGE DETERMINES THAT NEITHER SUITABLE BAIL NOR ANY CONDITION OR**
15 **COMBINATION OF CONDITIONS WILL REASONABLY ENSURE THAT THE DEFENDANT**
16 **WILL NOT FLEE THE STATE OR THE COUNTRY OR POSE A DANGER TO ANOTHER**
17 **PERSON OR THE COMMUNITY BEFORE THE TRIAL.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2015.