

SB0983/868574/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 983
(First Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with “altering” in line 3 on page 1 down through “term” in line 17 on page 2 and substitute “requiring a judicial officer to make a certain determination regarding release or detention of a defendant before trial; requiring a judicial officer who makes a certain determination to impose certain pretrial conditions for certain reasons; prohibiting a judicial officer from giving preference to certain conditions; requiring a judicial officer to consider certain information; prohibiting a judicial officer from setting financial conditions of release for certain reasons”.

On page 2, in line 21, after “5-101” insert “and 5-201”; and strike in their entirety lines 24 through 33, inclusive.

AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 37 on page 2 through line 11 on page 6, inclusive.

On pages 6 through 17, strike in their entirety the lines beginning with line 27 on page 6 through line 8 on page 17, inclusive.

AMENDMENT NO. 3

On page 6, after line 11, insert:

“5-101.”

(Over)

SB0983/868574/1 Judicial Proceedings Committee
Amendments to SB 983
Page 2 of 4

(a) This section shall be liberally construed to carry out the purpose of relying on criminal sanctions instead of financial loss to ensure the appearance of a defendant in a criminal case before verdict or pending a new trial.

(b) A JUDICIAL OFFICER SHALL MAKE AN INDIVIDUALIZED DETERMINATION REGARDING THE RELEASE OR DETENTION OF A DEFENDANT BEFORE TRIAL.

(C) (1) Except as provided in subsection [(c)] (D) of this section, if, from all the circumstances, the court believes that a minor or adult defendant in a criminal case will appear as required for trial before verdict or pending trial, the defendant may be released on personal recognizance.

(2) A failure to appear as required by personal recognizance is subject to the penalties provided in § 5-211 of this title.

[(c)] (D) A defendant may not be released on personal recognizance if the defendant is charged with:

(1) a crime listed in § 5-202(d) of this title after having been convicted of a crime listed in § 5-202(d) of this title; or

(2) a crime punishable by life imprisonment without parole.”;

in lines 12 and 26, in each instance, strike the bracket; after line 12, insert:

“(A) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, IF A JUDICIAL OFFICER DETERMINES THAT A DEFENDANT MAY BE RELEASED BEFORE TRIAL SUBJECT TO CONDITIONS, THE JUDICIAL OFFICER SHALL IMPOSE ON THE DEFENDANT THE LEAST RESTRICTIVE PRETRIAL CONDITIONS THAT ARE REASONABLY NECESSARY TO ENSURE:

(I) THE APPEARANCE OF THE DEFENDANT AS REQUIRED;
AND

(II) THE SAFETY OF EACH ALLEGED VICTIM, OTHER PERSON,
OR THE COMMUNITY.

(2) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS
SUBSECTION, THE JUDICIAL OFFICER MAY NOT GIVE PREFERENCE TO A
PARTICULAR PRETRIAL CONDITION AND SHALL TAKE INTO CONSIDERATION ALL
AVAILABLE INFORMATION, INCLUDING:

(I) THE DEFENDANT'S ABILITY TO PAY A FINANCIAL
CONDITION OF RELEASE;

(II) THE COST OF IMPOSING NONFINANCIAL CONDITIONS OF
RELEASE; AND

(III) THE RESTRICTIONS ON THE INDIVIDUAL LIBERTY OF THE
DEFENDANT CAUSED BY IMPOSING CONDITIONS.

(B) A JUDICIAL OFFICER MAY NOT SET A FINANCIAL CONDITION OF
RELEASE:

(1) SOLELY FOR THE PURPOSE OF DETAINING THE DEFENDANT;

(2) TO PUNISH THE DEFENDANT;

(3) TO PLACATE PUBLIC OPINION;

(Over)

(4) HIGHER THAN NECESSARY TO ENSURE THE APPEARANCE OF THE DEFENDANT AS REQUIRED OR THE SAFETY OF AN ALLEGED VICTIM, OTHER PERSON, OR THE COMMUNITY; OR

(5) BY REFERENCE TO A PREDETERMINED SCHEDULE OF AMOUNTS FIXED ACCORDING TO THE NATURE OF THE CHARGE.”;

and in lines 13 and 20, strike “(a)” and “(b)”, respectively, and substitute “**(C)**” and “**(D)**”, respectively.