

# HOUSE BILL 1128

E2, E4

8lr2354  
CF SB 736

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By: **Delegates Shoemaker, Afzali, Arentz, Carozza, Cassilly, Ciliberti, Cluster, Hornberger, Kittleman, Krebs, Long, Malone, McComas, Metzgar, W. Miller, Rose, Saab, and Vogt**

Introduced and read first time: February 8, 2018

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Pretrial Release – Assault on a Law Enforcement Officer**  
3 **(Police Protection Act)**

4 FOR the purpose of prohibiting a District Court commissioner from authorizing the pretrial  
5 release of a defendant who is charged with assault in the first degree or assault in  
6 the second degree against a victim who is a law enforcement officer; providing that  
7 a judge may authorize the pretrial release of a certain defendant on suitable bail or  
8 certain other conditions or both; requiring a judge to order the continued detention  
9 of a certain defendant under certain circumstances at a certain time; creating a  
10 rebuttable presumption that a certain defendant will flee or pose a danger to another  
11 person or the community; and generally relating to pretrial release.

12 BY adding to

13 Article – Criminal Procedure

14 Section 5–202(h)

15 Annotated Code of Maryland

16 (2008 Replacement Volume and 2017 Supplement)

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

19 **Article – Criminal Procedure**

20 5–202.

21 **(H) (1) A DISTRICT COURT COMMISSIONER MAY NOT AUTHORIZE THE**  
22 **PRETRIAL RELEASE OF A DEFENDANT WHO IS CHARGED WITH:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(I) ASSAULT IN THE FIRST DEGREE UNDER § 3-202 OF THE**  
2 **CRIMINAL LAW ARTICLE AGAINST A VICTIM WHO IS A LAW ENFORCEMENT OFFICER;**  
3 **OR**

4                   **(II) ASSAULT IN THE SECOND DEGREE UNDER § 3-203(C) OF**  
5 **THE CRIMINAL LAW ARTICLE AGAINST A VICTIM WHO IS A LAW ENFORCEMENT**  
6 **OFFICER.**

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

9                                 **1. SUITABLE BAIL;**

10                                **2. ANY OTHER CONDITIONS THAT WILL REASONABLY**  
11 **ENSURE THAT THE DEFENDANT WILL NOT FLEE OR POSE A DANGER TO ANOTHER**  
12 **PERSON OR THE COMMUNITY; OR**

13                                **3. BOTH BAIL AND OTHER CONDITIONS DESCRIBED**  
14 **UNDER ITEM 2 OF THIS SUBPARAGRAPH.**

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

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, 2018.