

HOUSE BILL 1166

E2

8lr3219
CF SB 617

By: **Delegate Haynes**

Introduced and read first time: February 8, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Sentencing – Primary Caretaker**

3 FOR the purpose of authorizing a certain defendant to make a motion for the court to
4 consider the defendant's status as a certain primary caretaker under certain
5 circumstances; requiring the court to make a certain determination and consider
6 placing a certain defendant on probation with certain conditions under certain
7 circumstances; defining certain terms; and generally relating to sentencing.

8 BY adding to

9 Article – Criminal Procedure

10 Section 6–234

11 Annotated Code of Maryland

12 (2008 Replacement Volume and 2017 Supplement)

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

15 **Article – Criminal Procedure**

16 **6–234.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (2) “NONVIOLENT CRIME” MEANS ANY CRIME OTHER THAN A CRIME
20 OF VIOLENCE.

21 (3) (I) “PRIMARY CARETAKER” MEANS A PERSON WHO HAS
22 ASSUMED RESPONSIBILITY FOR A DEPENDENT CHILD’S HOUSING, HEALTH,
23 FINANCIAL SUPPORT, EDUCATION, FAMILY TIES, OR SAFETY.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) “PRIMARY CARETAKER” INCLUDES A PARENT WHO, IN THE**
2 **BEST INTEREST OF A CHILD, HAS ARRANGED FOR THE TEMPORARY CARE OF THE**
3 **CHILD IN THE HOME OF A RELATIVE OR OTHER RESPONSIBLE ADULT, UNLESS THE**
4 **PERSON IS OTHERWISE DISQUALIFIED FROM THE DESIGNATION OF PRIMARY**
5 **CARETAKER.**

6 **(B) (1) IF A DEFENDANT IS CONVICTED OF A NONVIOLENT CRIME, THE**
7 **DEFENDANT MAY MAKE A MOTION FOR THE COURT TO CONSIDER THE DEFENDANT’S**
8 **STATUS AS PRIMARY CARETAKER.**

9 **(2) A MOTION FOR CONSIDERATION AS A PRIMARY CARETAKER**
10 **SHALL BE MADE WITHIN 10 CALENDAR DAYS AFTER CONVICTION.**

11 **(C) IF A DEFENDANT MAKES A MOTION FOR CONSIDERATION AS A PRIMARY**
12 **CARETAKER, THE COURT SHALL:**

13 **(1) DETERMINE WHETHER THE DEFENDANT QUALIFIES AS A PRIMARY**
14 **CARETAKER; AND**

15 **(2) IF THE COURT DETERMINES THAT THE DEFENDANT IS A PRIMARY**
16 **CARETAKER, CONSIDER PLACING THE DEFENDANT ON PROBATION INSTEAD OF**
17 **INCARCERATION WITH CONDITIONS EMPHASIZING COMMUNITY REHABILITATION**
18 **AND PARENT-CHILD UNITY AND SUPPORT, INCLUDING:**

19 **(I) DRUG OR ALCOHOL TREATMENT;**

20 **(II) DOMESTIC VIOLENCE EDUCATION AND PREVENTION;**

21 **(III) PHYSICAL AND SEXUAL ABUSE COUNSELING;**

22 **(IV) ANGER MANAGEMENT;**

23 **(V) VOCATIONAL AND EDUCATIONAL SERVICES;**

24 **(VI) JOB TRAINING AND PLACEMENT;**

25 **(VII) AFFORDABLE AND SAFE HOUSING ASSISTANCE;**

26 **(VIII) FINANCIAL LITERACY;**

27 **(IX) PARENTING CLASSES;**

1 **(X) FAMILY AND INDIVIDUAL COUNSELING; AND**

2 **(XI) FAMILY CASE MANAGEMENT SERVICES.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2018.