

HOUSE BILL 566

E2

9lr1792
CF 9lr3072

By: **Delegates Mosby, Acevero, Atterbeary, D.M. Davis, Ivey, Jackson, J. Lewis, Shetty, and Sydnor**

Introduced and read first time: February 4, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Conditions of Pretrial Release – Home Detention**
3 **Monitoring**

4 FOR the purpose of exempting certain defendants placed in private home detention as a
5 condition of pretrial release from the requirement to pay a certain monitoring fee
6 under certain circumstances; and generally relating to home detention monitoring.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Procedure

9 Section 5–201

10 Annotated Code of Maryland

11 (2018 Replacement Volume)

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

14 **Article – Criminal Procedure**

15 5–201.

16 (a) (1) The court or a District Court commissioner shall consider including, as
17 a condition of pretrial release for a defendant, reasonable protections for the safety of the
18 alleged victim.

19 (2) If a victim has requested reasonable protections for safety, the court or
20 a District Court commissioner shall consider including, as a condition of pretrial release,
21 provisions regarding no contact with the alleged victim or the alleged victim’s premises or
22 place of employment.

23 (b) (1) In accordance with eligibility criteria, conditions, and procedures

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 required under the Maryland Rules, the court may require, as a condition of a defendant's
2 pretrial release, that the defendant be monitored by a private home detention monitoring
3 agency licensed under Title 20 of the Business Occupations and Professions Article.

4 (2) [A] EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS
5 SUBSECTION, A defendant placed in private home detention under paragraph (1) of this
6 subsection shall pay directly to the private home detention monitoring agency the agency's
7 monitoring fee.

8 (3) A DEFENDANT MAY NOT BE REQUIRED TO PAY A HOME DETENTION
9 MONITORING AGENCY'S MONITORING FEE OR PAY FOR A HOME DETENTION
10 MONITORING DEVICE IF:

11 (I) THE DEFENDANT QUALIFIES AS AN INDIGENT INDIVIDUAL
12 UNDER § 16-210 OF THIS ARTICLE; OR

13 (II) A PRIVATE HOME DETENTION MONITORING DEVICE OR
14 GLOBAL POSITIONING SYSTEM DEVICE IS PROVIDED BY THE STATE OR A LOCAL
15 JURISDICTION.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2019.