

# SENATE BILL 228

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9lr0381

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By: **Senators Ready, Bailey, Carozza, Hester, Hough, and Salling**

Introduced and read first time: January 24, 2019

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Pretrial Release – Sex Offenders**

3 FOR the purpose of prohibiting a District Court commissioner from authorizing the pretrial  
4 release of a defendant who is required to register as a certain sex offender; and  
5 generally relating to pretrial release and sex offenders.

6 BY repealing and reenacting, with amendments,  
7 Article – Criminal Procedure  
8 Section 5–202(g)  
9 Annotated Code of Maryland  
10 (2018 Replacement Volume)

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

13 **Article – Criminal Procedure**

14 5–202.

15 (g) (1) A District Court commissioner may not authorize the pretrial release of  
16 a defendant who:

17 (i) is [registered] **REQUIRED TO REGISTER** under Title 11, Subtitle  
18 7 of this article; or

19 (ii) is a sex offender who is required to register by another  
20 jurisdiction, a federal, military, or tribal court, or a foreign government.

21 (2) (i) A judge may authorize the pretrial release of a defendant  
22 described in paragraph (1) of this subsection on:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1                                   1.     suitable bail;
- 2                                   2.     any other conditions that will reasonably ensure that the
- 3 defendant will not flee or pose a danger to another person or the community; or
- 4                                   3.     both bail and other conditions described under item 2 of
- 5 this subparagraph.

6                                   (ii)    When a defendant described in paragraph (1) of this subsection  
7 is presented to the court under Maryland Rule 4–216(f), the judge shall order the continued  
8 detention of the defendant if the judge determines that neither suitable bail nor any  
9 condition or combination of conditions will reasonably ensure that the defendant will not  
10 flee or pose a danger to another person or the community before the trial.

11                                  (3)    There is a rebuttable presumption that a defendant described in  
12 paragraph (1) of this subsection will flee and pose a danger to another person or the  
13 community.

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