

# SENATE BILL 228

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9lr0381

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By: Senators Ready, Bailey, Carozza, Hester, Hough, ~~and Salling~~ Salling, Zirkin, Smith, Carter, Cassilly, Lee, Waldstreicher, Washington, and West

Introduced and read first time: January 24, 2019

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 18, 2019

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## CHAPTER \_\_\_\_\_

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~~ **OR REQUIRED TO REGISTER** under Title 11,  
18 Subtitle 7 of this article; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.