

SENATE BILL 408

E2
SB 736/18 – JPR

9lr1970

By: **Senators Ready, Bailey, Carozza, Gallion, Serafini, and West**
Introduced and read first time: February 1, 2019
Assigned to: Judicial Proceedings

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 (2018 Replacement Volume)

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:**

23 **(I) ASSAULT IN THE FIRST DEGREE UNDER § 3–202 OF THE**
24 **CRIMINAL LAW ARTICLE AGAINST A VICTIM WHO IS A LAW ENFORCEMENT OFFICER;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 OR

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

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

7 1. SUITABLE BAIL;

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

11 3. BOTH BAIL AND OTHER CONDITIONS DESCRIBED
12 UNDER ITEM 2 OF THIS SUBPARAGRAPH.

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

20 (3) THERE IS A REBUTTABLE PRESUMPTION THAT A DEFENDANT
21 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WILL FLEE AND POSE A
22 DANGER TO ANOTHER PERSON OR THE COMMUNITY.

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