

SENATE BILL 932

E2

9lr3072
CF HB 566

By: **Senator Waldstreicher**

Introduced and read first time: February 15, 2019

Assigned to: Rules

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
24 required under the Maryland Rules, the court may require, as a condition of a defendant's

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 pretrial release, that the defendant be monitored by a private home detention monitoring
2 agency licensed under Title 20 of the Business Occupations and Professions Article.

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

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

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

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

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