

Chapter 389

(Senate Bill 228)

AN ACT concerning

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

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

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

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

**Article – Criminal Procedure**

5–202.

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

(i) is ~~registered~~, **OR IF THE COMMISSIONER KNOWS THE DEFENDANT IS REQUIRED TO REGISTER,** under Title 11, Subtitle 7 of this article; or

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

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

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

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

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

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

**Approved by the Governor, May 13, 2019.**