

HOUSE BILL 1113

E2

2lr2921

By: **Delegate Davis**

Introduced and read first time: February 11, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Pretrial Release Hearings – Hearsay Evidence**

3 FOR the purpose of establishing that hearsay evidence is admissible under certain
4 circumstances at a hearing relating to bail or pretrial release; and generally relating
5 to pretrial release.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Law
8 Section 5–809
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2021 Supplement)

11 BY adding to
12 Article – Criminal Procedure
13 Section 5–216
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2021 Supplement)

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

18 **Article – Criminal Law**

19 5–809.

20 Notwithstanding any other law, at a hearing relating to [bail or] sentencing arising
21 out of a violation or alleged violation of this title, hearsay evidence is admissible if:

22 (1) the hearsay is relevant to the issue; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) the underlying circumstances on which the hearsay is based and the
2 reliability of the source of the information are demonstrated.

3 **Article – Criminal Procedure**

4 **5–216.**

5 **NOTWITHSTANDING ANY OTHER LAW, AT A HEARING RELATING TO BAIL OR**
6 **PRETRIAL RELEASE, HEARSAY EVIDENCE IS ADMISSIBLE IF:**

7 **(1) THE HEARSAY IS RELEVANT TO THE ISSUE; AND**

8 **(2) THE UNDERLYING CIRCUMSTANCES ON WHICH THE HEARSAY IS**
9 **BASED AND THE RELIABILITY OF THE SOURCE OF THE INFORMATION ARE**
10 **DEMONSTRATED.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2022.