

HB0859/343825/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 859
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Smith**” and substitute “**Delegates Smith, Conaway, and Young**”; in line 8, after “time;” insert “making it a misdemeanor for a person monitored by a home detention monitoring agency to violate a condition of pretrial release under certain circumstances; establishing the Workgroup on Home Detention Monitoring;”; and after line 14, insert:

“BY adding to

Article – Criminal Procedure

Section 5-213.2

Annotated Code of Maryland

(2018 Replacement Volume and 2022 Supplement)”.

AMENDMENT NO. 2

On page 2, strike beginning with “**THE**” in line 11 down through “**LOCATED**” in line 12 and substitute “:

1. THE DESIGNATED LAW ENFORCEMENT AGENCY IN BALTIMORE CITY OR THE COUNTY WHERE THE COURT IS LOCATED; AND

2. THE COURT IMMEDIATELY ON THE COURT OPENING FOR BUSINESS”;

and after line 21, insert:

“Article – Criminal Procedure

5-213.2.

(A) A PERSON MONITORED BY A HOME DETENTION MONITORING AGENCY MAY NOT VIOLATE A CONDITION OF PRETRIAL RELEASE IF THE PERSON IS CHARGED WITH COMMITTING:

(1) A CRIME OF VIOLENCE, AS DEFINED IN § 5-101 OF THE PUBLIC SAFETY ARTICLE;

(2) A CRIME INVOLVING A FIREARM, AN ANTIQUE FIREARM, A REGULATED FIREARM, OR A HANDGUN, AS DEFINED IN § 5-101 OF THE PUBLIC SAFETY ARTICLE;

(3) A CRIME AGAINST A VICTIM WHO IS A PERSON ELIGIBLE FOR RELIEF UNDER § 4-501 OF THE FAMILY LAW ARTICLE; OR

(4) A VIOLATION OF § 3-802 OF THE CRIMINAL LAW ARTICLE.

(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Workgroup on Home Detention Monitoring.

(b) The Workgroup consists of the following members:

(1) three members of the Senate of Maryland, appointed by the President of the Senate;

(2) three members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Public Safety and Correctional Services, or the Secretary's designee;

(4) the Public Defender of Maryland, or the Public Defender's designee;

(5) one representative of the Judiciary;

(6) the President of the Maryland State's Attorneys' Association, or the President's designee; and

(7) the following members, appointed by the Governor:

(i) one representative of the Job Opportunities Task Force;

(ii) one representative of the Maryland Chiefs of Police Association;

(iii) one representative of the Maryland Sheriffs' Association;

(iv) one representative of a large local detention center;

(v) one representative of a small local detention center;

(vi) one representative of a county pretrial release program that does not charge a fee to participants;

(vii) one representative of a county pretrial release program that charges a fee to participants; and

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(viii) one representative of a private home detention monitoring agency as a nonvoting member.

(c) The President of the Senate and the Speaker of the House shall select two cochairs from among the members of the Workgroup.

(d) The Department of Public Safety and Correctional Services shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Workgroup shall:

(1) study the licensing, regulation, oversight, notification, and enforcement processes for home monitoring in the State; and

(2) make recommendations for a cost-effective and streamlined process for home monitoring in the State.

(g) On or before December 31, 2024, the Workgroup shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.”;

in line 22, strike “2.” and substitute “3.”; in line 23, after “2023” insert “. Section 2 of this Act shall remain effective for a period of 2 years and, at the end of September 30,

2025, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect”.