

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 411  
Judiciary

(Delegate Embry, *et al.*)

Judicial Proceedings

---

**Criminal Procedure - Violation of Pretrial or Posttrial Condition by Incarcerated Person - Victim Contact**

---

This bill amends § 5-213.1 of the Criminal Procedure Article to explicitly prohibit a person, *including an incarcerated person*, from violating a condition of pretrial or posttrial release *or other pretrial or posttrial condition* that prohibits the person from contacting, harassing, or abusing an alleged victim or going in or near an alleged victim’s residence or place of employment if the person is charged with committing specified offenses.

---

**Fiscal Summary**

**State Effect:** The bill is not expected to materially affect State finances or operations.

**Local Effect:** The bill is not expected to materially affect local finances and operations.

**Small Business Effect:** None.

---

**Analysis**

**Current Law:** A person may not violate a *condition of pretrial or posttrial release* prohibiting the person from contacting, harassing, or abusing an alleged victim or going in or near an alleged victim’s residence or place of employment if the person is charged with committing: (1) a violation of Title 3, Subtitle 3 of the Criminal Law Article (sexual crimes) against a victim who is a minor; (2) a crime of violence, as defined under § 5-101 of the Public Safety Article; (3) a crime against a victim who is a person eligible for relief as defined in § 4-501 of the Family Law Article (in regard to eligibility for a protective order); or (4) a violation of § 3-802 of the Criminal Law Article (stalking).

Violators are guilty of a misdemeanor and subject to imprisonment of up to 90 days.

---

### **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** SB 487 (Senator Waldstreicher) - Judicial Proceedings.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2023  
km/jkb Third Reader - March 15, 2023

---

Analysis by: Brandon Stouffer

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510