Article - Criminal Procedure

[Previous][Next]

§5–201.

(a) (1) The court or a District Court commissioner shall consider including, as a condition of pretrial release for a defendant, reasonable protections for the safety of the alleged victim.

(2) If a victim has requested reasonable protections for safety, the court or a District Court commissioner shall consider including, as a condition of pretrial release, provisions regarding no contact with the alleged victim or the alleged victim's premises or place of employment.

(b) (1) In accordance with eligibility criteria, conditions, and procedures required under the Maryland Rules, the court may require, as a condition of a defendant's pretrial release, that the defendant be monitored by a private home detention monitoring agency licensed under Title 20 of the Business Occupations and Professions Article.

(2) Except as provided under paragraph (3) of this subsection, a defendant placed in private home detention under paragraph (1) of this subsection shall pay directly to the private home detention monitoring agency the agency's monitoring fee.

(3) Subject to the availability of federal funding under paragraph (4) of this subsection, a defendant may not be required to pay a private home detention monitoring agency's monitoring fee or pay for a home detention monitoring device if:

(i) the defendant qualifies as an indigent individual under § 16–210 of this article; or

(ii) a home detention monitoring device or global positioning system device is provided by the State or a local jurisdiction.

(4) The State shall use available federal funds to provide payment to a private home detention monitoring agency for any costs or fees incurred that are not required to be paid by a defendant under paragraph (3) of this subsection.

[Previous][Next]