

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1044
Judiciary

(Delegate Valentine, *et al.*)

Criminal Procedure - Postconviction Release - Crimes Resulting in Death of
Young Victim

This bill prohibits a court from releasing a defendant after conviction pending sentencing or exhaustion of any appellate review if the defendant was convicted of a crime of violence (as defined in § 14-101 of the Criminal Law Article) or child neglect (§ 3-602.1 of the Criminal Law Article) *and* the crime resulted in the death of a victim younger than age 14.

Fiscal Summary

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

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Current Law: Under Maryland Rule 4-349, after conviction in the District Court or a circuit court, the trial judge may release the defendant pending sentencing or exhaustion of any appellate review subject to any appropriate terms and conditions of release. Evidentiary rules do not apply to proceedings conducted under Rule 4-349.

In determining whether a defendant should be released, the court may consider specified pretrial release factors and whether any appellate review sought appears to be frivolous or taken for delay. The defendant has the burden to establish that there is no flight risk or danger to any other person or to the community.

The court may impose different or greater conditions for release than were imposed pretrial. When the defendant is released pending sentencing, the condition of any bond required by the court must be that the defendant appear for further proceedings as directed and surrender to serve any sentence imposed. When the defendant is released pending any appellate review, the condition of any bond required by the court must be that the defendant prosecute the appellate review according to law and, upon termination of the release pending appeal, surrender to serve any sentence required to be served or appear for further proceedings as directed. The bond must continue until discharged by order of the court or until surrender of the defendant, whichever is earlier.

An order releasing a defendant pending appellate review must continue until the earliest of the following: (1) the defendant exhausts appellate review by way of appeal, application for leave to appeal, or petition for writ of *certiorari* in the Supreme Court of Maryland or the U.S. Supreme Court; (2) the defendant allows the deadline to pass for seeking further appellate review of an adverse disposition; (3) the defendant allows the deadline to pass for filing a required statement regarding the defendant's appeal to the U.S. Supreme Court or indicates in such a statement that the defendant does not intend to seek further review; or (4) a court revokes the order of release.

The court that ordered the release, on motion of any party or on its own initiative and after notice and opportunity for hearing, may revoke an order of release or amend it to impose additional or different conditions of release. If its decision results in the detention of the defendant, the court must state the reasons for its action in writing or on the record.

Additional Information

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

Designated Cross File: SB 640 (Senator Corderman, *et al.*) - Judicial Proceedings.

Information Source(s): Anne Arundel and Baltimore counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2026
sj/jkb

Analysis by: Amy A. Devadas

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