



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

**TO:** The Honorable Luke Clippinger, Chairman and  
Members of the Judiciary Committee

**FROM:** Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

**DATE:** February 21, 2020

**RE:** **HB 1197 - Criminal Procedure – Pretrial Release – Assault on a Law  
Enforcement Officer (Police Protection Act)**

**POSITION: SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT HB 1197. This legislation would prohibit a District Court commissioner from authorizing the pretrial release of a defendant who is charged with assault in the first degree or assault in the second degree against a victim who is a law enforcement officer; provide that a judge may authorize the pretrial release of a certain defendant on suitable bail or certain other conditions or both; and require a judge to order the continued detention of a defendant who is considered a flight risk or one who poses a danger to another person or community.

Assuring the appearance of a defendant for trial and assuring the safety of the victim and the community from the defendant is the primary consideration a judicial officer has in determining a defendant's pre-trial release. When a defendant is alleged to have committed an assault on a police officer, the defendant essentially is attacking our democracy. Therefore, the decision to grant pre-trial release should not be made by a district court commissioner but should be made by a judge. The judge will be better suited to question the defendant and to determine the defendant's eligibility for pre-trial release. A judge should be the judicial officer who will assure that the defendant appears for trial and will not be a danger to the law enforcement officer or to the community.

For these reasons, MCPA and MSA SUPPORT HB 1197 and urge a FAVORABLE Committee report.