

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1065
Criminal Procedure – Pretrial Release – Crime of Violence
DATE: March 2, 2022
(3/8)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 1065. This bill prohibits a judicial officer from authorizing the pretrial release of a defendant who is charged with a crime of violence if the defendant has a pending charge for a crime of violence or was convicted within the previous 10 years of a crime of violence.

The Judiciary traditionally opposes legislation that includes mandatory provisions. The Judiciary believes it is important for judges and judicial officers to weigh the facts and circumstances for each individual case. Recognizing that lawmakers are responsible for enacting penalties for crimes, judges and judicial officers are mindful of various mitigating factors in crafting a sentence that most appropriately fits the individual defendant and the crime. This discretion should remain especially in times of a public health emergency.

Moreover, by creating a blanket rule prohibiting pretrial release for certain defendants, this bill conflicts with Maryland Rule 4-216.1(b) which requires that decisions whether to grant pretrial release be based on the “specific facts and circumstances applicable to the particular defendant[.]”

cc. Hon. Jason Buckel
Judicial Council
Legislative Committee
Kelley O’Connor