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February 23, 2022

Chair William C. Smith, Jr.
Vice Chair Jeff Waldstreicher
Members of the Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

Senate Bill 586 - Criminal Procedure - Pretrial Release of Defendant - Notice

Position: SUPPORT

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Committee:

The Administration supports Senate Bill 586 - Criminal Procedure - Pretrial Release of Defendant - Notice. This legislation will require that the court and state's attorney provide notice to the arresting law enforcement agency within 48 hours of release if a defendant charged with first degree murder, second degree murder, attempted first degree murder, attempted second degree murder, robbery with a dangerous weapon, or armed carjacking is released prior to trial.

Under current law, there are provisions requiring notification of pretrial release for victims, but not for law enforcement agencies. Expanding the notification will allow law enforcement agencies to better protect and ensure the safety of witnesses, victims, and communities. Our brave law enforcement officers work every day to remove violent offenders from our streets, and are often surprised when they encounter the same offender days or weeks following the initial arrest, particularly if trial has not yet occurred. This legislation aims to increase coordination and communication, which may in turn enhance public safety. This notice is particularly important and useful in cases where an offender is arrested and charged in a jurisdiction that does not serve as their residence.

Importantly, this legislation does not restrict the court's discretion and ability to authorize pretrial release, but simply requires notice so that law enforcement agencies can be informed when an offender is being released in their community. Often, a court may decide to continue to detain an offender pretrial due to the seriousness of the alleged crime, but there are instances where a court may feel pretrial release is appropriate. It is in these instances that the notice to law enforcement will be helpful in ensuring the safety of our neighbors and communities.

Public safety remains a top priority for Governor Hogan, and this bill provides another tool in the toolbox as we seek to effectively reduce violent crime and protect our communities.

For these reasons, the Administration supports Senate Bill 586 and respectfully requests a favorable report. For additional details, please contact Erin Chase, Deputy Legislative Officer, at 410-974-3336 or erin.chase1@maryland.gov.

Sincerely,

A handwritten signature in blue ink that reads "Keiffer J. Mitchell, Jr." with a stylized flourish at the end.

Keiffer J. Mitchell, Jr.
Chief Legislative Officer