

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 586
Criminal Procedure – Pretrial Release of Defendant - Notice
DATE: February 2, 2022
POSITION: Oppose, as drafted

The Maryland Judiciary opposes Senate Bill 586, as drafted. This legislation requires a court and the Office of the State’s Attorney to notify certain law enforcement agencies if a defendant charged with certain crimes is released prior to trial.

Although the Judiciary has no position on the intent of this legislation or the requirement that the Office of the State’s Attorney notify law enforcement, the requirement for the court to notify law enforcement agencies is problematic. Neither MDEC nor the clerks’ offices capture the particular law enforcement agency nor is there a mechanism to notify them directly as to the information requested. Moreover, it is also not always immediately apparent which agency made an arrest, particularly in jurisdictions with multiple agencies. It is unclear how the court would obtain that agency information if not provided.

In addition, the court is not made aware when a defendant is released by a local detention facility. Defendants are not typically released at the courthouse but, rather, by the local detention center where they are being held. Given staffing and other logistical issues, the release is unlikely to be immediate and the court has no way to discern the exact timing of the release by the local detention facility.

The information-sharing required by this legislation could likely be more readily accomplished by coordination between executive agencies – law enforcement, prosecutors, and detention centers.

cc. Hon. Cory McCray
Judicial Council
Legislative Committee
Kelley O’Connor