

# **SB 586 Testimony and amendment.pdf**

Uploaded by: Cory McCray

Position: FAV

CORY V. McCRAY  
Legislative District 45  
Baltimore City

DEPUTY MAJORITY WHIP

Budget and Taxation Committee

*Subcommittees*

Vice Chair, Capital Budget

Pensions

Chair, Public Safety, Transportation,  
and Environment



James Senate Office Building  
11 Bladen Street, Room 221  
Annapolis, Maryland 21401  
410-841-3165 · 301-858-3165  
800-492-7122 Ext. 3165  
Cory.Mccray@senate.state.md.us

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of Senate Bill 586  
Criminal Procedure - Pretrial Release of Defendant – Notice**

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

I write to urge you to **support** Senate Bill 586. Requiring courts and the Office of the State's Attorney to report information on criminal defendants and their release status is a critical step in establishing transparency and notice amongst our law enforcement agencies.

Under the current laws, there are no provisions that mandate notice to arresting law enforcement agencies regarding the pre-trial release of criminal defendants, formerly under their purview. With Senate Bill 586, the courts and the Office of the State's Attorney is directed to notify the associated law enforcement agency within 48 hours of the release of a defendant, arrested by that agency, if that defendant has been charged with first-degree murder; second-degree murder; attempted first-degree murder; attempted second-degree murder; robbery with a dangerous weapon; and armed carjacking. It is imperative that this information is communicated with law enforcement agencies in efforts to promote shared knowledge of the status of violent offenders within our communities.

If enacted, Senate Bill 586 shall take effect October 1, 2022, and will require that certain practices be adopted in accordance with the law.

In efforts to foster systemic transparency and awareness across the board, I respectfully request a favorable report of Senate Bill 586.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Cory V. McCray'.

Cory V. McCray  
State Senator, 45<sup>th</sup> District



**SB0586/113920/1**

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

21 FEB 22  
12:13:35

BY: Senator McCray  
(To be offered in the Judicial Proceedings Committee)

AMENDMENTS TO SENATE BILL 586  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "**Criminal Procedure**" and substitute "**Baltimore City**"; strike beginning with the second "a" in line 3 down through "agency" in line 4 and substitute "**the Baltimore Police Department**"; in line 3, strike "a court and the Office of the State's Attorney" and substitute "**the Department of Public Safety and Correctional Services**"; in line 4, strike "charged with certain crimes"; and in line 5, after "procedures" insert "**in Baltimore City**".

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with "TO" in line 15 on page 1 down through "CARJACKING" in line 1 on page 2 and substitute "**IN BALTIMORE CITY**".

On page 2, strike beginning with "COURT" in line 2 down through "ATTORNEY" in line 3 and substitute "**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**"; and strike beginning with "LAW" in line 4 down through "DEFENDANT" in line 5 and substitute "**BALTIMORE POLICE DEPARTMENT**".

**SB 586\_Governors Office\_Support.pdf**

Uploaded by: Erin Chase

Position: FAV



**LARRY HOGAN**  
GOVERNOR

STATE HOUSE  
100 STATE CIRCLE  
ANNAPOLIS, MARYLAND 21401-1925  
410-974-3901  
TOLL FREE 1-800-811-8336  
TTY USERS CALL VIA MD RELAY

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](mailto: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

**Final SB 586 BPD Support.pdf**

Uploaded by: Michael Harrison

Position: FAV



# BALTIMORE POLICE DEPARTMENT



**Brandon M. Scott**  
Mayor

**Michael S. Harrison**  
Police Commissioner

TO: The Honorable Members of the House Judiciary Committee

FROM: Michelle Wirzberger, Esq., Director of Government Affairs, Baltimore Police Dept.

RE: Senate Bill 586 Criminal Procedure – Pretrial Release of Defendant – Notice

DATE: February 23, 2022

**POSITION: SUPPORT**

Chair Smith, Vice-Chair Waldstreicher, and members of the Committee, please be advised that the Baltimore Police Department **supports** Senate Bill 586.

Senate Bill 586 requires the Court and the Office of the State’s Attorney to notify the arresting law enforcement agency if a suspect charged with murder in the first or second degree, attempted murder in the first or second degree, robbery with a dangerous weapon, or armed carjacking, has been released prior to trial.

This bill will enhance vital communication between the Court and the Office of the State’s Attorney and enable law enforcement to better protect victims, witnesses and residents when alleged violent offenders reenter communities. This notification will also prompt law enforcement to monitor open sources to learn of any planned retaliation so they can develop a deployment plan designed to safeguard the offender and any innocent bystanders who may be at risk.

We do understand that an amendment may be forthcoming that requires the Department of Public Safety and Correctional Services (MD PSCS) to provide the notifications contemplated in this bill. In fact, we believe that MD PSCS has agreed to start sending the information as soon as we are able to develop an appropriate protocol. We certainly support this change to the bill and pledge to work closely with our public safety partner to operationalize the notification swiftly and efficiently.

Therefore, the Baltimore Police Department respectfully requests a **favorable** report on Senate Bill 586.

**SB0586-JPR-FAV.pdf**

Uploaded by: Natasha Mehu

Position: FAV





**BRANDON M. SCOTT**  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**SB 586**

February 23, 2022

**TO:** Members of the Senate Judicial Proceedings Committee  
**FROM:** Natasha Mehu, Director, Office of Government Relations  
**RE:** Senate Bill 586 - Criminal Procedure - Pretrial Release of Defendant - Notice  
**POSITION: SUPPORT**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 586.

SB 586 requires the Office of the State's Attorney and the Court to provide notice to the arresting law enforcement agency within 48 hours of the release of a defendant before trial charged with certain violent crimes.

Baltimore City has recently suffered several high-profile tragedies committed by individuals released on home confinement while awaiting trial or under community supervision. This includes the high-profile deaths of Safe Streets leader Dante Barksdale and 69-year-old Evelyn Player. The suspect in Dante's murder had criminal cases in several Maryland counties and at the time of his arrest, he was also being sought on a warrant for cutting off his ankle monitor and absconding from home monitoring on a gun charge in Anne Arundel County. Ms. Player was stabbed to death in a church by a man who allegedly was under community supervision until recently before her murder. The senseless murders highlight the need to strengthen community supervision, improve inter-agency coordination, and increase oversight and transparency.

In cases where individuals charged with serious violent offenses are granted bail, law enforcement should be notified as these individuals are at an elevated risk for being involved in violence return to the community. This is especially important when an individual is arrested in a

Maryland jurisdiction in which they don't reside – local law enforcement may not know this individual is returning to the community.

While it is uncommon for the Baltimore State's Attorney to ask for pre-trial release for individuals charged with serious violent crimes like murder or for a Baltimore City judge to consider bail for these serious offenses the results of existing safeguards failing are detrimental to addressing crime in the City and in the cases of Mr. Barksdale and Ms. Player are deadly.

Violence is not an unsolvable problem, but rather a public health crisis that is treatable and preventable through an intentional, coordinated, and sustained effort. This bill will ensure better coordination between the courts, state's attorneys, and city agencies.

For these reasons we respectfully request a **favorable** report on SB 586.

**sb586.pdf**

Uploaded by: Sara Elalamy

Position: UNF

**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

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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