

**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 441  
Criminal Procedure – Pretrial Release of Defendant - Notice  
**DATE:** February 2, 2022  
(2/8)  
**POSITION:** Oppose, as drafted

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The Maryland Judiciary opposes House Bill 441, 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. Luke Clippinger  
Judicial Council  
Legislative Committee  
Kelley O’Connor