



PAUL DeWOLFE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
DIRECTOR OF POLICY AND DEVELOPMENT

KRYSTAL WILLIAMS
DIRECTOR OF GOVERNMENT RELATIONS DIVISION

ELIZABETH HILLIARD
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

POSITION ON PROPOSED LEGISLATION

BILL: HB0441

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 02/04/2022

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 441.

House Bill 441 would require the court and the State's Attorney's Office to inform law enforcement of a defendant's release should he or she be charged with certain crimes. This is problematic for several reasons. The court is required to be impartial and must preserve the presumption of innocence afforded to all defendants charged, regardless of the severity of the crime. Judges are required to "[promote] public confidence in the independence, integrity, and impartiality of the judiciary", MD R JUDGES Rule 18-101.2; by mandating the bench to inform law enforcement of a defendant's pretrial release would force them to engage in conduct that may be perceived as favoring the prosecution. This is because, in practice, if implemented, the bill would only encourage law enforcement to provide additional, unwarranted supervision of the accused, despite the judge's determination of appropriate pretrial release conditions under Md. Rule 4-216.1. Further, there is no current impediment to a law enforcement agency's ability to independently determine whether the accused is released or detained following bail review. By enacting this bill, law enforcement agencies would be encouraged to immediately conduct unnecessary surveillance of citizens facing mere accusations and who have not been convicted of any crimes.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on HB0441.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

Authored by: Marianne Lima, Assistant Public Defender Pretrial Detention Initiative

Marianne.Lima@maryland.gov