
BILL NO: House Bill 411
TITLE: Criminal Procedure - Violation of Pretrial or Posttrial Condition by Incarcerated Person - Victim Contact
COMMITTEE: Judiciary
HEARING DATE: February 21, 2023
POSITION: SUPPORT

House Bill 411 would add to existing law “an incarcerated person” may not violate a condition of pretrial or posttrial release or other pretrial or posttrial condition prohibiting the person from contacting, harassing, or abusing an alleged victim or going in or near an alleged victim's residence or place of employment. The Women’s Law Center supports HB 411 as a simple fix to clarify what many or most judges already think is covered in existing law.

In current law, under existing criminal procedure statute, a person, under certain conditions, including of the person contacts a victim as defined in the Family Law Article as a Person Eligible for Relief, i.e, a person who is the victim of intimate partner or domestic violence, may not may not violate a condition of pretrial or posttrial release, prohibiting the person from contacting, harassing, or abusing an alleged victim or going in or near an alleged victim’s residence or place of employment.

House Bill 361 would simply add that this includes a person who is incarcerated, and includes any other pre- or post-trial conditions, rather than just conditions of release. Apparently, some judges read the statute to not include the prohibition for persons who are incarcerated. Certainly our clients, who have been abused and filed criminal charges such that their abuser has been arrested, may not want to hear from their abuser while he is incarcerated, and under conditions of no contact with them. Communications can often be a continuation of a power and control dynamic, and can cause fear and repeat trauma.

This clarification is a simple matter that will provide additional feelings of safety for victims, and make clear that while incarcerated, abusers cannot continue to contact their victims.

Therefore, the Women’s Law Center of Maryland, Inc. strongly urges a favorable report on House Bill 411.

The Women’s Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.