

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader  
Chief Justice

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 736  
Criminal Procedure – Pretrial Release – Crime of Violence (No  
Bail for Repeat Violent Offenders Act of 2023)  
**DATE:** February 15, 2023  
(2/23)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 736. This bill prohibits a judicial officer from authorizing the pretrial release of a defendant who is charged with a crime of violence if the defendant has a pending charge for a crime of violence or was convicted within the previous 10 years of a crime of violence.

The Judiciary traditionally opposes legislation that includes mandatory provisions. The Judiciary believes it is important for judges and judicial officers to weigh the facts and circumstances for each individual case. Recognizing that lawmakers are responsible for enacting penalties for crimes, judges and judicial officers are mindful of various mitigating factors in crafting a sentence that most appropriately fits the individual defendant and the crime.

Moreover, by creating a blanket rule prohibiting pretrial release for certain defendants, this bill conflicts with Maryland Rule 4-216.1(b) which requires that decisions whether to grant pretrial release be based on the “specific facts and circumstances applicable to the particular defendant[.]”

cc. Hon. Jason Buckel  
Judicial Council  
Legislative Committee  
Kelley O’Connor