



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**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue a favorable report on HB 411.**

House Bill 411 provides an important clarification to existing law regarding pretrial or posttrial conditions and would ensure that they apply to an individual whether they are in the community or remain incarcerated. Under current law it is a misdemeanor if a person violates a pretrial or posttrial condition preventing the person from contacting, harassing, or abusing an alleged victim or going in or near an alleged victim's residence or place of employment when a person is charged with a crime against a victim who is a person eligible for relief as defined in § 4-501 of the Family Law Article. This existing law protects victims of domestic violence from unwanted contact or continued abuse from a person who is alleged to have abused them.

However, this law has been interpreted by some to not apply if the individual subject to the pretrial or posttrial conditions remains incarcerated. Therefore, if a person remains incarcerated, even if they would be subject to these conditions if they were in the community, they could call, harass and threaten their victim. House Bill 411 makes the crucial clarification that these conditions shall apply if the individual is in the community or incarcerated.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on HB 411.**