

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

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 44  
Safe Communities Act of 2024  
**DATE:** January 10, 2024  
(2/13)  
**POSITION:** Oppose, as drafted

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The Maryland Judiciary opposes Senate Bill 44, as drafted. The bill amends CS § 3-702 by making an incarcerated individual not entitled to a diminution of their term of confinement if the individual is serving a sentence for either first-degree murder in violation of § 2-201 of the Criminal Law Article (“CL”), or second-degree murder in violation of CL § 2-204.

The Judiciary has no position on the policy aims of this legislation but is concerned with the language on page 9, lines 18 through 27, which limits the discretion of a judicial officer. This provision does not just restrict commissioners from releasing a defendant charged with a crime of violence but also restricts “a judicial officer” (which includes a Judge), from doing the same. Currently, Maryland law gives judges’ discretion to authorize pretrial release for defendants in cases that would be subject to the bill. The bill would remove that discretion. 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.

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. William Folden  
Judicial Council  
Legislative Committee  
Kelley O’Connor