



Maryland State's Attorneys' Association

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DATE: February 28, 2025

BILL NUMBER: HB 1356

POSITION: Favorable

The Maryland State's Attorneys' Association (MSAA) supports House Bill 1356 and urges this Committee to issue a favorable report.

In Maryland, an individual detained after being charged with a crime will appear before a district court commissioner, as described in Md. Rule 4-213, for an initial pretrial release determination. If that individual remains detained following this appearance, they will have the opportunity to argue for their release at a bail review before a judge, pursuant to MD. CODE ANN., CRIM. PROC. ("CP") § 5-215.

The authority of a district court commissioner to release an individual, however, is not unlimited. CP § 5-202 restricts their ability to release individuals in certain situations. These situations – including when an individual is detained on certain serious charges with either a prior conviction for a crime of violence or while in the community having been released pending trial for certain serious charges – represent a value judgment by the General Assembly that pretrial release decisions in serious cases are best left to judges.

HB 1356 adds one additional case to the list in CP § 5-202, and prohibits district court commissioners from releasing individuals on their own recognizance or unsecured bail if they have been released on unsecured bail within the past five years, or have previously failed to appear for a court date having been released on unsecured bail. This bill does not prohibit pretrial release for these individuals – such a provision would likely violate the Eighth Amendment's prohibition on excessive bail – but simply requires that such a decision be made by a judge at a hearing where more and better information is available.