

HOUSE BILL 49

E2

(PRE-FILED)

0lr0552
CF SB 68

By: **Delegate Palakovich Carr**

Requested: August 22, 2019

Introduced and read first time: January 8, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Pretrial Release – Pretrial Risk Assessment Instruments**

3 FOR the purpose of requiring a jurisdiction that uses a certain instrument to aid in
4 determining the eligibility for pretrial release of an individual charged with a crime
5 to have an independent validation study of the instrument conducted within a
6 certain time period; defining a certain term; and generally relating to pretrial
7 release.

8 BY adding to

9 Article – Criminal Procedure

10 Section 5–103

11 Annotated Code of Maryland

12 (2018 Replacement Volume and 2019 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Criminal Procedure**

16 **5–103.**

17 (A) IN THIS SECTION, “PRETRIAL RISK ASSESSMENT INSTRUMENT” MEANS
18 A TOOL, A METRIC, AN ALGORITHM, OR SOFTWARE THAT IS USED TO DETERMINE THE
19 ELIGIBILITY OF A DEFENDANT FOR PRETRIAL RELEASE IN A PRETRIAL PROCEEDING
20 BASED ON THE DEFENDANT’S FLIGHT RISK AND THREAT TO COMMUNITY SAFETY.

21 (B) A JURISDICTION THAT USES A PRETRIAL RISK ASSESSMENT
22 INSTRUMENT TO DETERMINE THE ELIGIBILITY OF A DEFENDANT FOR PRETRIAL
23 RELEASE SHALL HAVE AN INDEPENDENT VALIDATION STUDY OF THE PRETRIAL RISK

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ASSESSMENT INSTRUMENT CONDUCTED AT LEAST ONCE EVERY 3 YEARS.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2020.