

# HOUSE BILL 1186

E2, D1

4lr1381

---

By: **Delegates Anderson, Carter, ~~Cluster~~, Dumais, McDermott, Smigiel, Swain, and Vallario**

Introduced and read first time: February 7, 2014

Assigned to: Judiciary

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 28, 2014

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Procedure – Pretrial Release – ~~Setting of Bond – Personal~~**  
3 **~~Recognizance~~ Charge by Summons**

4 FOR the purpose of providing that a court or clerk’s office that is in session or open on  
5 a weekend or holiday for a certain purpose is not in session or open for any  
6 other purpose or function; repealing a provision of law authorizing a District  
7 Court commissioner to set bond or commit persons to jail in default of bond or  
8 release them on personal recognizance if circumstances warrant; repealing a  
9 provision of law authorizing a District Court commissioner to generally perform  
10 all the functions of committing magistrates as exercised by the justices of the  
11 peace prior to a certain date; ~~requiring a defendant to be released on personal~~  
12 ~~recognizance under certain circumstances; providing that a person who is~~  
13 ~~arrested shall be presented before a District Court commissioner for an initial~~  
14 ~~appearance within a certain amount of time after arrest, and if detained by the~~  
15 ~~commissioner shall be taken before a certain judicial officer without~~  
16 ~~unnecessary delay and in no event later than a certain amount of time after~~  
17 ~~arrest~~; requiring a police officer to submit a statement of charges to a District  
18 Court commissioner, serve on the defendant a statement of charges and  
19 summons, and release the defendant under certain circumstances; prohibiting a  
20 District Court commissioner from issuing a summons for a defendant under  
21 certain circumstances; providing that a defendant may not be charged by  
22 summons if a law enforcement officer makes a certain certification; requiring a  
23 certain law enforcement officer to file a certain affidavit with the court;  
24 requiring the clerk of the court to send a copy of a certain affidavit along with a

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 certain statement of charges to the Maryland Statistical Analysis Center;  
2 requiring the Maryland Statistical Analysis Center to analyze certain  
3 documents and provide a certain annual report to the Governor and General  
4 Assembly on or before a certain date; providing that a certain defendant may be  
5 charged by citation under certain circumstances; requiring a District Court  
6 commissioner to give certain advisements to a certain defendant at a certain  
7 time; requiring a District Court commissioner to require a certain defendant to  
8 sign a certain written acknowledgment; repealing certain provisions of law  
9 requiring a District Court commissioner to consider including certain victim  
10 protections as a condition of pretrial release for a certain defendant; providing  
11 that certain forms shall provide that an applicant for a statement of charges  
12 may request no contact with the alleged victim or the alleged victim's residence  
13 or place of employment; requiring a commissioner to include certain conditions  
14 of no contact as part of a certain statement of charges and summons under  
15 certain circumstances; providing that if a certain defendant objects to certain no  
16 contact conditions, the court must schedule a hearing to make a certain  
17 determination; repealing certain provisions of law prohibiting a District Court  
18 commissioner from authorizing the pretrial release of certain defendants under  
19 certain circumstances and authorizing a judge to release certain defendants  
20 under certain circumstances; providing that a person who is arrested and not  
21 released pursuant to a citation or summons shall be detained, with a certain  
22 exception, and taken before a judge of the District Court or the circuit court  
23 without unnecessary delay, and in no event later than a certain amount of time  
24 after arrest; requiring the District Court to operate in session a certain number  
25 of days a week for the purpose of making release determinations for arrested  
26 persons; providing for the termination of this Act; and generally relating to  
27 pretrial release and charge by summons.

28 BY adding to

29 Article – Courts and Judicial Proceedings  
30 Section 1–206  
31 Annotated Code of Maryland  
32 (2013 Replacement Volume and 2013 Supplement)

33 BY repealing and reenacting, with amendments,

34 Article – Courts and Judicial Proceedings  
35 Section 2–607  
36 Annotated Code of Maryland  
37 (2013 Replacement Volume and 2013 Supplement)

38 BY adding to

39 Article – Criminal Procedure  
40 Section 4–101.2, 4–101.3, and 5–202  
41 Annotated Code of Maryland  
42 (2008 Replacement Volume and 2013 Supplement)

43 BY repealing and reenacting, with amendments,

1 Article – Criminal Procedure  
 2 Section ~~5-101~~ 5-201  
 3 Annotated Code of Maryland  
 4 (2008 Replacement Volume and 2013 Supplement)

5 BY repealing ~~and reenacting, without amendments,~~  
 6 Article – Criminal Procedure  
 7 Section 5-202  
 8 Annotated Code of Maryland  
 9 (2008 Replacement Volume and 2013 Supplement)

10 ~~BY adding to~~  
 11 ~~Article – Criminal Procedure~~  
 12 ~~Section 5-202.1~~  
 13 ~~Annotated Code of Maryland~~  
 14 ~~(2008 Replacement Volume and 2013 Supplement)~~

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Courts and Judicial Proceedings**

18 **1-206.**

19 **A COURT OR CLERK’S OFFICE THAT IS IN SESSION OR OPEN ON A**  
 20 **WEEKEND OR HOLIDAY FOR THE PURPOSE OF CONDUCTING AN INITIAL**  
 21 **APPEARANCE FOR AN ARRESTED PERSON IS NOT IN SESSION OR OPEN FOR ANY**  
 22 **OTHER PURPOSE OR FUNCTION.**

23 2-607.

24 (a) (1) The administrative judge of each district, with the approval of the  
 25 Chief Judge of the District Court, may appoint the number of commissioners necessary  
 26 to perform the functions of the office within each county.

27 (2) In multicounty districts, the administrative judge shall obtain the  
 28 recommendation of the resident judge in each county as to the number of  
 29 commissioners required in the county and as to the persons to be appointed.

30 (b) (1) Commissioners shall be adult residents of the counties in which  
 31 they serve, but they need not be lawyers.

32 (2) Each commissioner shall hold office at the pleasure of the Chief  
 33 Judge of the District Court, and has the powers and duties prescribed by law.

34 (3) Except without additional compensation, unless otherwise fixed by  
 35 law, an employee of the District Court, who is an adult, may be granted, in the same

1 manner, commissioner powers and duties in the county where the employee is  
2 employed.

3 (c) (1) A commissioner shall receive applications and determine probable  
4 cause for the issuance of charging documents.

5 (2) A commissioner shall advise arrested persons of their  
6 constitutional rights, [set bond or commit persons to jail in default of bond or] ~~release~~  
7 ~~them on personal recognizance if circumstances warrant,~~ and conduct investigations  
8 and inquiries into the circumstances of any matter presented to the commissioner in  
9 order to determine if probable cause exists for the issuance of a charging document,  
10 warrant, or criminal summons [and, in general, perform all the functions of  
11 committing magistrates as exercised by the justices of the peace prior to July 5, 1971].

12 (3) There shall be in each county, at all times, one or more  
13 commissioners available for the convenience of the public and police in obtaining  
14 charging documents, warrants, or criminal summonses and to advise arrested persons  
15 of their rights as required by law.

16 (4) A commissioner may exercise the powers of office in any county to  
17 which the commissioner is assigned by the Chief Judge of the District Court or a  
18 designee of the Chief Judge of the District Court.

19 (5) The Chief Judge of the District Court may authorize one or more  
20 commissioners to perform the duties of a commissioner regarding persons arrested in  
21 a county other than the county in which the commissioner resides and for which the  
22 commissioner was appointed when the arrested persons are brought before the  
23 commissioner by a peace officer of the jurisdiction in which that arrest was made.

24 (6) (i) An individual may file an application for a statement of  
25 charges with a District Court commissioner.

26 (ii) On review of an application for a statement of charges, a  
27 District Court commissioner may issue a summons or an arrest warrant.

28 (iii) A District Court commissioner may issue an arrest warrant  
29 only on a finding that:

30 1. There is probable cause to believe that the defendant  
31 committed the offense charged in the charging document; and

32 2. A. The defendant previously has failed to respond  
33 to a summons that has been personally served or a citation;

34 B. The whereabouts of the defendant are unknown and  
35 the issuance of a warrant is necessary to subject the defendant to the jurisdiction of  
36 the court;

1 C. The defendant is in custody for another offense; or

2 D. There is probable cause to believe that the defendant  
3 poses a danger to another person or to the community.

4 (d) (1) The authority under this subsection applies only to a respondent  
5 who is an adult.

6 (2) A commissioner may issue an interim order for protection of a  
7 person eligible for relief in accordance with § 4–504.1 of the Family Law Article or a  
8 petitioner in accordance with § 3–1503.1 of this article.

9 (e) Notwithstanding the residence requirements set out in subsection (b) of  
10 this section, the Chief Judge of the District Court or a designee of the Chief Judge of  
11 the District Court may assign a commissioner of the District Court to serve  
12 temporarily in any county.

### 13 Article – Criminal Procedure

#### 14 4–101.2.

15 (A) EXCEPT AS PROVIDED IN § 4–101 OF THIS SUBTITLE AND  
16 SUBSECTIONS (B) AND (C) OF THIS SECTION, A POLICE OFFICER SHALL SUBMIT  
17 A STATEMENT OF CHARGES TO A DISTRICT COURT COMMISSIONER IN  
18 ACCORDANCE WITH THE MARYLAND RULES, SERVE ON THE DEFENDANT A  
19 STATEMENT OF CHARGES AND SUMMONS IF THE COMMISSIONER DETERMINES  
20 THAT THE CHARGE OR CHARGES ARE SUPPORTED BY PROBABLE CAUSE, AND  
21 RELEASE THE DEFENDANT, IF THE MOST SERIOUS CHARGE WITH WHICH THE  
22 DEFENDANT IS CHARGED IS:

23 (1) PUNISHABLE BY IMPRISONMENT FOR 18 MONTHS OR LESS;

24 (2) OBSTRUCTING AND HINDERING;

25 (3) TELEPHONE MISUSE UNDER § 3–804 OF THE CRIMINAL LAW  
26 ARTICLE;

27 (4) INDECENT EXPOSURE UNDER § 11–107 OF THE CRIMINAL  
28 LAW ARTICLE;

29 (5) MALICIOUS DESTRUCTION OF PROPERTY WITH A VALUE OF AT  
30 LEAST \$1,000 UNDER § 6–301 OF THE CRIMINAL LAW ARTICLE;

1           **(6) POSSESSING OR ADMINISTERING A CONTROLLED DANGEROUS**  
2 **SUBSTANCE UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE; OR**

3           **(7) ASSAULT IN THE SECOND DEGREE UNDER § 3-203 OF THE**  
4 **CRIMINAL LAW ARTICLE, PROVIDED THAT A CONDITION OF NO UNLAWFUL**  
5 **CONTACT WITH THE ALLEGED VICTIM IS INCLUDED IN THE SUMMONS.**

6           **(B) A DISTRICT COURT COMMISSIONER MAY NOT ISSUE A SUMMONS**  
7 **FOR A DEFENDANT:**

8           **(1) WHO IS CHARGED WITH:**

9                   **(I) FOURTH DEGREE SEXUAL OFFENSE UNDER § 3-308 OF**  
10 **THE CRIMINAL LAW ARTICLE;**

11                   **(II) VIOLATION OF A CONDITION OF PLACEMENT IN A HOME**  
12 **DETENTION PROGRAM UNDER § 3-409(A) OF THE CORRECTIONAL SERVICES**  
13 **ARTICLE;**

14                   **(III) FAILURE TO SURRENDER AFTER FORFEITURE OF BAIL**  
15 **OR RECOGNIZANCE UNDER § 5-211 OF THE CRIMINAL PROCEDURE ARTICLE;**

16                   **(IV) HARBORING A FUGITIVE UNDER § 9-402 OF THE**  
17 **CRIMINAL LAW ARTICLE;**

18                   **(V) HARBORING AN ESCAPED INMATE UNDER § 9-403 OF**  
19 **THE CRIMINAL LAW ARTICLE;**

20                   **(VI) COMMISSION OF A CRIME OF VIOLENCE OR SEXUAL**  
21 **OFFENSE AFTER ADMINISTERING A DRUG TO THE VICTIM UNDER § 5-624 OF**  
22 **THE CRIMINAL LAW ARTICLE;**

23                   **(VII) WILLFULLY EXPOSING OTHERS TO INFECTIOUS DISEASE**  
24 **UNDER § 18-601 OF THE HEALTH - GENERAL ARTICLE;**

25                   **(VIII) ABDUCTION OF A CHILD YOUNGER THAN 16 YEARS OLD**  
26 **BY A RELATIVE OUTSIDE THE STATE FOR 30 DAYS OR LESS UNDER § 9-305 OF**  
27 **THE FAMILY LAW ARTICLE; OR**

28                   **(IX) MALICIOUS BURNING OF PERSONAL PROPERTY IN THE**  
29 **SECOND DEGREE UNDER § 6-105 OF THE CRIMINAL LAW ARTICLE;**

30           **(2) WHO IS ON PAROLE OR SUPERVISED PROBATION FOR A**  
31 **CRIMINAL OFFENSE;**

1           **(3) WHO IS THE SUBJECT OF AN OUTSTANDING ARREST WARRANT;**

2           **(4) WHO WAS ARRESTED ON ANOTHER OCCASION WITHIN THE 72**  
3 **HOURS PRECEDING THE APPEARANCE BEFORE THE COMMISSIONER;**

4           **(5) WHO HAS FAILED TO APPEAR AS ORDERED BY A COURT IN A**  
5 **CRIMINAL, NONTRAFFIC CASE WITHIN THE 2 YEARS PRECEDING THE**  
6 **APPEARANCE BEFORE THE COMMISSIONER;**

7           **(6) WHO IS CHARGED WITH VIOLATING:**

8                   **(I) THE PROVISIONS OF A TEMPORARY PROTECTIVE ORDER**  
9 **DESCRIBED IN § 4-505(A)(2)(I) OF THE FAMILY LAW ARTICLE OR THE**  
10 **PROVISIONS OF A PROTECTIVE ORDER DESCRIBED IN § 4-506(D)(1) OF THE**  
11 **FAMILY LAW ARTICLE THAT ORDER THE DEFENDANT TO REFRAIN FROM**  
12 **ABUSING OR THREATENING TO ABUSE A PERSON ELIGIBLE FOR RELIEF;**

13                   **(II) THE PROVISIONS OF AN ORDER FOR PROTECTION, AS**  
14 **DEFINED IN § 4-508.1 OF THE FAMILY LAW ARTICLE, ISSUED BY A COURT OF**  
15 **ANOTHER STATE OR OF A NATIVE AMERICAN TRIBE THAT ORDER THE**  
16 **DEFENDANT TO REFRAIN FROM ABUSING OR THREATENING TO ABUSE A PERSON**  
17 **ELIGIBLE FOR RELIEF, IF THE ORDER IS ENFORCEABLE UNDER § 4-508.1 OF**  
18 **THE FAMILY LAW ARTICLE; OR**

19                   **(III) THE PROVISIONS OF A TEMPORARY PEACE ORDER OR**  
20 **FINAL PEACE ORDER ISSUED UNDER TITLE 3, SUBTITLE 15 OF THE COURTS**  
21 **ARTICLE; OR**

22           **(7) WHO IS REGISTERED AS A SEX OFFENDER UNDER TITLE 11,**  
23 **SUBTITLE 7 OF THIS ARTICLE.**

24           **(C) (1) A DEFENDANT MAY NOT BE CHARGED BY SUMMONS IF A LAW**  
25 **ENFORCEMENT OFFICER CERTIFIES BY AFFIDAVIT AND ARTICULATES UNDER**  
26 **OATH SPECIFIC FACTS TO SUPPORT THE CONTENTION THAT THE DEFENDANT:**

27                   **(I) IS A FLIGHT RISK;**

28                   **(II) POSES A CREDIBLE PUBLIC SAFETY RISK; OR**

29                   **(III) IS A THREAT TO SELF OR TO OTHERS.**

1           (2) A LAW ENFORCEMENT OFFICER WHO PROCEEDS BY  
2 AFFIDAVIT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL FILE THE  
3 AFFIDAVIT WITH THE COURT.

4           (3) THE CLERK OF THE COURT SHALL SEND A COPY OF EACH  
5 AFFIDAVIT FILED UNDER THIS SUBSECTION ALONG WITH THE CORRESPONDING  
6 STATEMENT OF CHARGES TO THE MARYLAND STATISTICAL ANALYSIS CENTER.

7           (4) ON OR BEFORE MARCH 1 OF EACH YEAR BEGINNING IN 2015,  
8 THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL ANALYZE THE  
9 AFFIDAVITS AND STATEMENTS OF CHARGES SUBMITTED UNDER THIS  
10 SUBSECTION DURING THE PRIOR CALENDAR YEAR AND PROVIDE A SUMMARY  
11 REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE  
12 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY INDICATING THE  
13 NUMBER OF INSTANCES IN WHICH AFFIDAVITS WERE SUBMITTED DURING THE  
14 PERIOD CATEGORIZED BY:

15                   (I) JURISDICTION;

16                   (II) TYPE OF CHARGE;

17                   (III) RACE OF THE DEFENDANT; AND

18                   (IV) GENDER OF THE DEFENDANT.

19           (D) A DEFENDANT WHO MAY BE CHARGED BY SUMMONS UNDER THIS  
20 SECTION MAY BE CHARGED INSTEAD BY CITATION UNDER § 4-101 OF THIS  
21 SUBTITLE, IF A DETAILED STATEMENT OF PROBABLE CAUSE IS INCLUDED WITH  
22 THE CITATION.

23 4-101.3.

24           (A) BEFORE A DEFENDANT WHO IS CHARGED BY SUMMONS UNDER §  
25 4-101.2 OF THIS SUBTITLE IS RELEASED FROM CUSTODY, A DISTRICT COURT  
26 COMMISSIONER SHALL:

27                   (1) EXPLAIN THE CHARGES AGAINST THE DEFENDANT TO THE  
28 DEFENDANT;

29                   (2) ADVISE THE DEFENDANT OF THE DEFENDANT'S RIGHT TO  
30 COUNSEL AND THE IMPORTANCE OF OBTAINING COUNSEL;

31                   (3) ADVISE THE DEFENDANT OF THE REQUIREMENT TO APPEAR  
32 FOR TRIAL AS NOTIFIED; AND



1           **(4) EXPLAIN THAT A BENCH WARRANT WILL BE ISSUED FOR THE**  
 2 **DEFENDANT IF THE DEFENDANT DOES NOT APPEAR FOR TRIAL.**

3           **(B) THE COMMISSIONER SHALL REQUIRE THE DEFENDANT TO SIGN A**  
 4 **WRITTEN ACKNOWLEDGMENT OF THE ADVICE GIVEN UNDER SUBSECTION (A) OF**  
 5 **THIS SECTION.**

6 ~~5-101.~~

7           ~~(a) This section shall be liberally construed to carry out the purpose of~~  
 8 ~~relying on criminal sanctions instead of financial loss to ensure the appearance of a~~  
 9 ~~defendant in a criminal case before verdict or pending a new trial.~~

10           ~~(b) (1) Except as provided in subsection (c) of this section, if, from all the~~  
 11 ~~circumstances, the court believes that a minor or adult defendant in a criminal case~~  
 12 ~~will appear as required for trial before verdict or pending trial, the defendant may be~~  
 13 ~~released on personal recognizance.~~

14           ~~**(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION AND § 5-202**~~  
 15 ~~**OF THIS TITLE, A DEFENDANT SHALL BE RELEASED ON PERSONAL**~~  
 16 ~~**RECOGNIZANCE IF:**~~

17           ~~**(1) THE MOST SERIOUS CRIME WITH WHICH THE**~~  
 18 ~~**DEFENDANT IS CHARGED IS:**~~

19                           ~~**1. PUNISHABLE BY IMPRISONMENT FOR 1 YEAR OR**~~  
 20 ~~**LESS;**~~

21                           ~~**2. OBSTRUCTING AND HINDERING;**~~

22                           ~~**3. A VIOLATION INVOLVING PRESCRIPTION DRUGS**~~  
 23 ~~**UNDER § 5-701 OF THE CRIMINAL LAW ARTICLE;**~~

24                           ~~**4. TELEPHONE MISUSE UNDER § 3-804 OF THE**~~  
 25 ~~**CRIMINAL LAW ARTICLE;**~~

26                           ~~**5. INDECENT EXPOSURE UNDER § 11-107 OF THE**~~  
 27 ~~**CRIMINAL LAW ARTICLE;**~~

28                           ~~**6. MALICIOUS DESTRUCTION OF PROPERTY WITH A**~~  
 29 ~~**VALUE OF AT LEAST \$1,000 UNDER § 6-301 OF THE CRIMINAL LAW ARTICLE;**~~  
 30 ~~**OR**~~

1 ~~7. POSSESSING OR ADMINISTERING A CONTROLLED~~  
2 ~~DANGEROUS SUBSTANCE UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE; AND~~

3 ~~(H) THE DEFENDANT HAS NEVER PREVIOUSLY FAILED TO~~  
4 ~~APPEAR AS ORDERED BY A COURT.~~

5 ~~[(2)] (3) A failure to appear as required by personal recognizance is~~  
6 ~~subject to the penalties provided in § 5-211 of this title.~~

7 ~~(e) A defendant may not be released on personal recognizance if the~~  
8 ~~defendant is charged with:~~

9 ~~(1) a crime listed in § 5-202(d) of this title after having been convicted~~  
10 ~~of a crime listed in § 5-202(d) of this title; or~~

11 ~~(2) a crime punishable by life imprisonment without parole.~~

12 5-201.

13 (a) (1) The court [or a District Court commissioner] shall consider  
14 including, as a condition of pretrial release for a defendant, reasonable protections for  
15 the safety of the alleged victim.

16 (2) If a victim has requested reasonable protections for safety, the  
17 court [or a District Court commissioner] shall consider including, as a condition of  
18 pretrial release, provisions regarding no contact with the alleged victim or the alleged  
19 victim's premises or place of employment.

20 (b) (1) In accordance with eligibility criteria, conditions, and procedures  
21 required under the Maryland Rules, the court may require, as a condition of a  
22 defendant's pretrial release, that the defendant be monitored by a private home  
23 detention monitoring agency licensed under Title 20 of the Business Occupations and  
24 Professions Article.

25 (2) A defendant placed in private home detention under paragraph (1)  
26 of this subsection shall pay directly to the private home detention monitoring agency  
27 the agency's monitoring fee.

28 (C) THE FORMS FOR AN APPLICATION FOR A STATEMENT OF CHARGES  
29 AND A CONFIDENTIAL SUPPLEMENT TO AN APPLICATION FOR STATEMENT OF  
30 CHARGES SHALL PROVIDE THAT AN APPLICANT FOR A STATEMENT OF CHARGES  
31 MAY REQUEST NO CONTACT WITH THE ALLEGED VICTIM OR THE ALLEGED  
32 VICTIM'S RESIDENCE OR PLACE OF EMPLOYMENT.

33 (D) WHEN A DISTRICT COURT COMMISSIONER IS REQUIRED TO  
34 CHARGE A DEFENDANT BY SUMMONS UNDER § 4-101.2 OF THIS ARTICLE AND A

1 NO CONTACT REQUEST IS MADE, THE COMMISSIONER SHALL INCLUDE EXPRESS  
2 CONDITIONS OF NO CONTACT WITH THE ALLEGED VICTIM AND THE ALLEGED  
3 VICTIM'S RESIDENCE AND PLACE OF EMPLOYMENT AS PART OF THE STATEMENT  
4 OF CHARGES AND SUMMONS.

5 (E) IF A DEFENDANT OBJECTS TO CONDITIONS OF NO CONTACT  
6 IMPOSED BY A DISTRICT COURT COMMISSIONER UNDER SUBSECTION (D) OF  
7 THIS SECTION, THE COURT SHALL SCHEDULE A HEARING TO DETERMINE IF THE  
8 CONDITIONS OF THE STATEMENT OF CHARGES AND SUMMONS SHALL BE  
9 CONTINUED, MODIFIED, OR ELIMINATED.

10 [5-202.

11 (a) A District Court commissioner may not authorize pretrial release for a  
12 defendant charged with escaping from a correctional facility or any other place of  
13 confinement in the State.

14 (b) (1) A District Court commissioner may not authorize the pretrial  
15 release of a defendant charged as a drug kingpin under § 5-613 of the Criminal Law  
16 Article.

17 (2) A judge may authorize the pretrial release of a defendant charged  
18 as a drug kingpin on suitable bail and on any other conditions that will reasonably  
19 ensure that the defendant will not flee or pose a danger to another person or the  
20 community.

21 (3) There is a rebuttable presumption that, if released, a defendant  
22 charged as a drug kingpin will flee and pose a danger to another person or the  
23 community.

24 (c) (1) A District Court commissioner may not authorize the pretrial  
25 release of a defendant charged with a crime of violence if the defendant has been  
26 previously convicted:

27 (i) in this State of a crime of violence; or

28 (ii) in any other jurisdiction of a crime that would be a crime of  
29 violence if committed in this State.

30 (2) (i) A judge may authorize the pretrial release of a defendant  
31 described in paragraph (1) of this subsection on:

32 1. suitable bail;

33 2. any other conditions that will reasonably ensure that  
34 the defendant will not flee or pose a danger to another person or the community; or



1 (x) a crime of violence.

2 (2) A defendant under this subsection remains ineligible to give bail or  
3 be released on recognizance on the subsequent charge until all prior charges have  
4 finally been determined by the courts.

5 (3) A judge may authorize the pretrial release of a defendant described  
6 in paragraph (1) of this subsection on suitable bail and on any other conditions that  
7 will reasonably ensure that the defendant will not flee or pose a danger to another  
8 person or the community.

9 (4) There is a rebuttable presumption that a defendant described in  
10 paragraph (1) of this subsection will flee and pose a danger to another person or the  
11 community if released before final determination of the prior charge.

12 (e) (1) A District Court commissioner may not authorize the pretrial  
13 release of a defendant charged with violating:

14 (i) the provisions of a temporary protective order described in §  
15 4-505(a)(2)(i) of the Family Law Article or the provisions of a protective order  
16 described in § 4-506(d)(1) of the Family Law Article that order the defendant to  
17 refrain from abusing or threatening to abuse a person eligible for relief; or

18 (ii) the provisions of an order for protection, as defined in §  
19 4-508.1 of the Family Law Article, issued by a court of another state or of a Native  
20 American tribe that order the defendant to refrain from abusing or threatening to  
21 abuse a person eligible for relief, if the order is enforceable under § 4-508.1 of the  
22 Family Law Article.

23 (2) A judge may allow the pretrial release of a defendant described in  
24 paragraph (1) of this subsection on:

25 (i) suitable bail;

26 (ii) any other conditions that will reasonably ensure that the  
27 defendant will not flee or pose a danger to another person or the community; or

28 (iii) both bail and other conditions described under item (ii) of  
29 this paragraph.

30 (3) When a defendant described in paragraph (1) of this subsection is  
31 presented to the court under Maryland Rule 4-216(f), the judge shall order the  
32 continued detention of the defendant if the judge determines that neither suitable bail  
33 nor any condition or combination of conditions will reasonably ensure that the  
34 defendant will not flee or pose a danger to another person or the community before the  
35 trial.

1 (f) (1) A District Court commissioner may not authorize the pretrial  
2 release of a defendant charged with one of the following crimes if the defendant has  
3 previously been convicted of one of the following crimes:

4 (i) wearing, carrying, or transporting a handgun under § 4–203  
5 of the Criminal Law Article;

6 (ii) use of a handgun or an antique firearm in commission of a  
7 crime under § 4–204 of the Criminal Law Article;

8 (iii) violating prohibitions relating to assault pistols under §  
9 4–303 of the Criminal Law Article;

10 (iv) use of a machine gun in a crime of violence under § 4–404 of  
11 the Criminal Law Article;

12 (v) use of a machine gun for an aggressive purpose under §  
13 4–405 of the Criminal Law Article;

14 (vi) use of a weapon as a separate crime under § 5–621 of the  
15 Criminal Law Article;

16 (vii) possession of a regulated firearm under § 5–133 of the Public  
17 Safety Article;

18 (viii) transporting a regulated firearm for unlawful sale or  
19 trafficking under § 5–140 of the Public Safety Article; or

20 (ix) possession of a rifle or shotgun by a person with a mental  
21 disorder under § 5–205 of the Public Safety Article.

22 (2) (i) A judge may authorize the pretrial release of a defendant  
23 described in paragraph (1) of this subsection on:

24 1. suitable bail;

25 2. any other conditions that will reasonably ensure that  
26 the defendant will not flee or pose a danger to another person or the community; or

27 3. both bail and other conditions described under item 2  
28 of this subparagraph.

29 (ii) When a defendant described in paragraph (1) of this  
30 subsection is presented to the court under Maryland Rule 4–216(f), the judge shall  
31 order the continued detention of the defendant if the judge determines that neither  
32 suitable bail nor any condition or combination of conditions will reasonably ensure

1 that the defendant will not flee or pose a danger to another person or the community  
2 before the trial.

3 (3) There is a rebuttable presumption that a defendant described in  
4 paragraph (1) of this subsection will flee and pose a danger to another person or the  
5 community.

6 (g) (1) A District Court commissioner may not authorize the pretrial  
7 release of a defendant who is registered under Title 11, Subtitle 7 of this article.

8 (2) (i) A judge may authorize the pretrial release of a defendant  
9 described in paragraph (1) of this subsection on:

- 10 1. suitable bail;
- 11 2. any other conditions that will reasonably ensure that  
12 the defendant will not flee or pose a danger to another person or the community; or
- 13 3. both bail and other conditions described under item 2  
14 of this subparagraph.

15 (ii) When a defendant described in paragraph (1) of this  
16 subsection is presented to the court under Maryland Rule 4-216(f), the judge shall  
17 order the continued detention of the defendant if the judge determines that neither  
18 suitable bail nor any condition or combination of conditions will reasonably ensure  
19 that the defendant will not flee or pose a danger to another person or the community  
20 before the trial.

21 (3) There is a rebuttable presumption that a defendant described in  
22 paragraph (1) of this subsection will flee and pose a danger to another person or the  
23 community.]

24 ~~5-202.1, 5-202.~~

25 **(A) A PERSON WHO IS ARRESTED SHALL BE PRESENTED BEFORE A**  
26 **DISTRICT COURT COMMISSIONER FOR AN INITIAL APPEARANCE WITHIN 24**  
27 **HOURS AFTER ARREST, AND IF DETAINED BY THE COMMISSIONER AND NOT**  
28 **RELEASED PURSUANT TO A CITATION OR SUMMONS SHALL BE:**

29 **(1) DETAINED, UNLESS A DISTRICT COURT COMMISSIONER HAS**  
30 **DETERMINED THAT PROBABLE CAUSE IS LACKING; AND**

31 **(2) TAKEN BEFORE A JUDICIAL OFFICER JUDGE OF THE DISTRICT**  
32 **COURT OR CIRCUIT COURT WITHOUT UNNECESSARY DELAY AND IN NO EVENT**  
33 **LATER THAN 48 HOURS AFTER ARREST.**

1           **(B) THE DISTRICT COURT SHALL OPERATE IN SESSION 6 DAYS A WEEK**  
 2 **FOR THE PURPOSE OF MAKING RELEASE DETERMINATIONS FOR ARRESTED**  
 3 **PERSONS.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 5 ~~October~~ June 1, 2014. It shall remain effective for a period of 3 years and 1 month and,  
 6 at the end of June 30, 2017, with no further action required by the General Assembly.  
 7 this Act shall be abrogated and of no further force and effect.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.