

HOUSE BILL 166

E2

6lr1236

By: **Delegates Valentino–Smith, Cluster, Sanchez, Smith, and B. Wilson**

Introduced and read first time: January 21, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Pretrial Release – Nonresident Sex Offenders**

3 FOR the purpose of prohibiting a District Court commissioner from authorizing the pretrial
4 release of a defendant who is not a resident of the State and is a sex offender subject
5 to certain registration requirements outside the State; and generally relating to
6 pretrial release.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 5–202(g)
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2015 Supplement)

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

14 **Article – Criminal Procedure**

15 5–202.

16 (g) (1) A District Court commissioner may not authorize the pretrial release of
17 a defendant who:

18 (I) is registered under Title 11, Subtitle 7 of this article; OR

19 (II) **IS NOT A RESIDENT OF THIS STATE AND IS A SEX OFFENDER**
20 **WHO IS REQUIRED TO REGISTER BY ANOTHER JURISDICTION, A FEDERAL, MILITARY,**
21 **OR TRIBAL COURT, OR A FOREIGN GOVERNMENT.**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2016.