

HOUSE BILL 1157

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CF SB 879

By: **Delegates Dumais, Anderson, Barron, Clippinger, Hettleman, Korman, and Lierman**

Introduced and read first time: February 9, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Pretrial Release – Pilot Program and Conditions**

3 FOR the purpose of requiring the Pretrial Release Services Program in the Division of
4 Parole and Probation to establish a pretrial resource center to provide certain
5 assistance, research, and training regarding pretrial release programs; establishing
6 a Pretrial Release Pilot Program in the Division of Parole and Probation; requiring
7 the Secretary of Public Safety and Correctional Services to designate certain counties
8 to participate in the Program on or before a certain date; requiring the Division to
9 select a certain pretrial safety assessment tool for use in the Program and provide
10 certain training; authorizing a certain judicial officer in the Program to impose
11 conditions of pretrial release for certain purposes; requiring a certain defendant in
12 the Program who is denied pretrial release to be assessed using a certain pretrial
13 safety assessment tool; prohibiting the use of the results of a certain pretrial safety
14 assessment tool in the Program for certain purposes; requiring a court to consider
15 certain factors before imposing conditions of pretrial release in the Program;
16 authorizing certain types of release for certain defendants who receive certain scores
17 on a certain pretrial safety assessment; requiring a court to state the reasons for
18 certain decisions on the record; authorizing a defendant in the Program who is
19 unable to meet a certain financial condition of pretrial release within a certain
20 amount of time to file a motion for bail review; authorizing a court to order that a
21 cash bond posted by a defendant or a certain individual on behalf of the defendant
22 be used to satisfy certain outstanding financial obligations of the defendant under
23 certain circumstances; limiting the circumstances under which a court that receives
24 written charges that a certain probationer or defendant violated a condition of
25 probation may issue a warrant; requiring a hearing on a charge for a violation of a
26 condition of probation to be scheduled within a certain amount of time if a certain
27 probationer or defendant is remanded to a correctional facility pending a certain
28 hearing; authorizing a judge other than a sentencing judge to hear a certain charge
29 for a violation of a condition of probation under certain circumstances; requiring the
30 State's Attorney or the State's Attorney's designee to conduct a certain review of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain charging documents at a certain time; requiring the State's Attorney to
2 consider a case for certain diversion programs; authorizing a State's Attorney to take
3 certain actions if the State's Attorney refers a certain case to a certain pretrial
4 diversion program; requiring the Justice Reinvestment Oversight Board to make
5 certain recommendations regarding pretrial release; requiring the Division of Parole
6 and Probation to provide certain reports on the Pretrial Release Pilot Program to the
7 Governor and General Assembly by certain dates; defining certain terms; providing
8 for the effective dates of this Act; providing for the termination of certain provisions
9 of this Act; providing for a delayed effective date for certain provisions of this Act;
10 and generally relating to pretrial release.

11 BY repealing and reenacting, with amendments,
12 Article – Correctional Services
13 Section 5–301
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2016 Supplement)

16 BY adding to
17 Article – Criminal Procedure
18 Section 5–201.1 and 15–102.1
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2016 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Criminal Procedure
23 Section 5–205 and 5–207
24 Annotated Code of Maryland
25 (2008 Replacement Volume and 2016 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Criminal Procedure
28 Section 6–223 and 6–224(b) and (d)
29 Annotated Code of Maryland
30 (2008 Replacement Volume and 2016 Supplement)
31 (As enacted by Chapter 515 of the Acts of the General Assembly of 2016)

32 BY repealing and reenacting, without amendments,
33 Article – Criminal Procedure
34 Section 6–224(a)
35 Annotated Code of Maryland
36 (2008 Replacement Volume and 2016 Supplement)
37 (As enacted by Chapter 515 of the Acts of the General Assembly of 2016)

38 BY repealing and reenacting, without amendments,
39 Article – Criminal Procedure
40 Section 15–102
41 Annotated Code of Maryland

1 (2008 Replacement Volume and 2016 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article – State Government
4 Section 9–3207(a)(1)
5 Annotated Code of Maryland
6 (2014 Replacement Volume and 2016 Supplement)

7 BY repealing and reenacting, with amendments,
8 Article – State Government
9 Section 9–3207(a)(7) and (8)
10 Annotated Code of Maryland
11 (2014 Replacement Volume and 2016 Supplement)

12 BY adding to
13 Article – State Government
14 Section 9–3207(a)(9)
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2016 Supplement)

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

19 **Article – Correctional Services**

20 5–301.

21 (a) There is a Pretrial Release Services Program in the Division.

22 (b) Subject to the authority of the Commissioner and in addition to any other
23 duties established by law, the Pretrial Release Services Program shall perform the pretrial
24 release duties formerly performed by the Pretrial Release Services Division of the
25 Department of Public Safety and Correctional Services, the Pretrial Release Committee,
26 and the Division of Parole and Probation.

27 **(c) THE PRETRIAL RELEASE SERVICES PROGRAM SHALL ESTABLISH A**
28 **PRETRIAL RESOURCE CENTER TO:**

29 **(1) PROVIDE TRAINING AND TECHNICAL ASSISTANCE TO EACH**
30 **COUNTY IN THE STATE WITH A PRETRIAL RELEASE PROGRAM;**

31 **(2) REVIEW RESEARCH AND STUDIES TO DETERMINE BEST**
32 **PRACTICES IN PRETRIAL RELEASE PROGRAMS;**

33 **(3) SERVE AS A REPOSITORY AND RESOURCE CENTER FOR RESEARCH**
34 **AND STUDIES ON PRETRIAL RELEASE PROGRAMS; AND**

1 **(4) PERIODICALLY MAKE RECOMMENDATIONS FOR**
2 **IMPLEMENTATION OF BEST PRACTICES FOR PRETRIAL RELEASE PROGRAMS TO THE**
3 **COMMISSIONER AND COUNTIES IN THE STATE.**

4 **(D) THE PRETRIAL RELEASE SERVICES PROGRAM SHALL PROVIDE**
5 **TRAINING, COORDINATION, AND TECHNICAL ASSISTANCE FOR IMPLEMENTATION OF**
6 **PRETRIAL RELEASE SERVICES AND PROGRAMS IN THE STATE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
8 as follows:

9 **Article – Criminal Procedure**

10 **5–201.1.**

11 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
12 **INDICATED.**

13 **(2) “DIVISION” MEANS THE DIVISION OF PAROLE AND PROBATION.**

14 **(3) “PRETRIAL SAFETY ASSESSMENT” MEANS AN ACTUARIAL TOOL,**
15 **VALIDATED ON THE STATE’S PRETRIAL DETENTION POPULATION, THAT ASSISTS IN**
16 **DETERMINING AN INDIVIDUAL’S RISK OF:**

17 **(I) FAILING TO APPEAR FOR TRIAL AS REQUIRED; AND**

18 **(II) REOFFENDING BEFORE TRIAL.**

19 **(B) THERE IS A PRETRIAL RELEASE PILOT PROGRAM IN THE DIVISION.**

20 **(C) THE PRETRIAL RELEASE PILOT PROGRAM APPLIES ONLY TO:**

21 **(1) BALTIMORE CITY;**

22 **(2) ONE RURAL COUNTY IN THE STATE AS DESIGNATED BY THE**
23 **SECRETARY; AND**

24 **(3) ONE SUBURBAN COUNTY IN THE STATE AS DESIGNATED BY THE**
25 **SECRETARY.**

26 **(D) (1) ON OR BEFORE JULY 1, 2017, THE SECRETARY SHALL DESIGNATE**
27 **FOR PARTICIPATION IN THE PILOT PROGRAM:**

1 **(I) ONE RURAL COUNTY IN THE STATE THAT HAS A PRETRIAL**
2 **RELEASE PROGRAM; AND**

3 **(II) ONE SUBURBAN COUNTY IN THE STATE THAT HAS A**
4 **PRETRIAL RELEASE PROGRAM.**

5 **(2) THE DIVISION SHALL:**

6 **(I) SELECT A PRETRIAL SAFETY ASSESSMENT TO BE USED BY**
7 **PRETRIAL SERVICES PROGRAMS DURING THE PILOT PROGRAM; AND**

8 **(II) PROVIDE TRAINING FOR PRETRIAL SERVICES PROGRAM**
9 **STAFF ON THE USE OF THE PRETRIAL SAFETY ASSESSMENT.**

10 **(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND UNLESS**
11 **OTHERWISE PROHIBITED BY LAW, A JUDICIAL OFFICER MAY IMPOSE CONDITIONS OF**
12 **PRETRIAL RELEASE THAT WILL REASONABLY:**

13 **(I) ENSURE THE APPEARANCE OF THE DEFENDANT AS**
14 **REQUIRED; AND**

15 **(II) ENSURE THAT THE DEFENDANT WILL NOT POSE A DANGER**
16 **TO ANOTHER PERSON OR THE COMMUNITY.**

17 **(2) A JUDICIAL OFFICER MAY IMPOSE A FINANCIAL CONDITION AS A**
18 **CONDITION OF PRETRIAL RELEASE ONLY TO REASONABLY ENSURE THE**
19 **APPEARANCE OF THE DEFENDANT AS REQUIRED.**

20 **(F) (1) A DEFENDANT WHO IS DENIED PRETRIAL RELEASE BY A DISTRICT**
21 **COURT COMMISSIONER OR WHO REMAINS IN CUSTODY AFTER A DISTRICT COURT**
22 **COMMISSIONER HAS DETERMINED CONDITIONS OF RELEASE SHALL BE:**

23 **(I) ASSESSED BY A PRETRIAL RELEASE PROGRAM USING THE**
24 **PRETRIAL SAFETY ASSESSMENT SELECTED BY THE DIVISION UNDER SUBSECTION**
25 **(D) OF THIS SECTION; AND**

26 **(II) PRESENTED IMMEDIATELY TO THE DISTRICT COURT IF THE**
27 **COURT IS IN SESSION OR, IF NOT, AT THE NEXT SESSION OF THE COURT.**

28 **(2) A DEFENDANT'S PRETRIAL SAFETY ASSESSMENT RESULTS AND**
29 **SUBSEQUENT PARTICIPATION IN A PRETRIAL RELEASE PROGRAM ARE NOT**
30 **ADMISSIBLE:**

1 **(I) AT TRIAL AS EVIDENCE OF GUILT; OR**

2 **(II) AT SENTENCING UNLESS OFFERED BY THE DEFENDANT AS**
3 **MITIGATION.**

4 **(G) IN DETERMINING WHETHER TO IMPOSE CONDITIONS OF PRETRIAL**
5 **RELEASE, THE COURT SHALL CONSIDER:**

6 **(1) THE RESULTS OF A PRETRIAL SAFETY ASSESSMENT, INCLUDING**
7 **THE PRESUMPTIONS UNDER SUBSECTION (H) OF THIS SECTION;**

8 **(2) THE NATURE AND CIRCUMSTANCES OF THE OFFENSE CHARGED,**
9 **THE NATURE OF THE EVIDENCE AGAINST THE DEFENDANT, AND THE POTENTIAL**
10 **SENTENCE ON CONVICTION;**

11 **(3) THE DEFENDANT'S FAMILY TIES, EMPLOYMENT STATUS AND**
12 **HISTORY, FINANCIAL RESOURCES, CHARACTER, MENTAL CONDITION, LENGTH OF**
13 **RESIDENCE IN THE COMMUNITY, AND LENGTH OF RESIDENCE IN THE STATE;**

14 **(4) ANY RECOMMENDATION OF AN AGENCY THAT CONDUCTS**
15 **PRETRIAL RELEASE INVESTIGATIONS;**

16 **(5) ANY RECOMMENDATION OF THE STATE'S ATTORNEY;**

17 **(6) ANY INFORMATION PRESENTED BY THE DEFENDANT OR THE**
18 **DEFENDANT'S ATTORNEY;**

19 **(7) THE DANGER OF THE DEFENDANT TO HIMSELF OR HERSELF, THE**
20 **ALLEGED VICTIM, ANOTHER PERSON, OR THE COMMUNITY;**

21 **(8) PRIOR CONVICTIONS OR ADJUDICATIONS OF DELINQUENCY THAT**
22 **OCCURRED WITHIN 3 YEARS BEFORE THE DATE OF THE OFFENSE FOR WHICH THE**
23 **DEFENDANT IS IN CUSTODY; AND**

24 **(9) ANY OTHER FACTOR THAT THE COURT FINDS RELEVANT.**

25 **(H) (1) A DEFENDANT WHO RECEIVES A "LOW RISK" SCORE ON A**
26 **PRETRIAL SAFETY ASSESSMENT IS PRESUMED QUALIFIED FOR RELEASE ON**
27 **PERSONAL RECOGNIZANCE OR WITH CONDITIONS.**

28 **(2) A DEFENDANT WHO RECEIVES A "MEDIUM RISK" SCORE ON A**
29 **PRETRIAL SAFETY ASSESSMENT MAY BE RELEASED WITH CONDITIONS.**

1 **(3) A DEFENDANT WHO RECEIVES A “HIGH RISK” SCORE ON A**
2 **PRETRIAL SAFETY ASSESSMENT IS PRESUMED NOT QUALIFIED FOR RELEASE.**

3 **(I) THE COURT SHALL STATE THE REASONS FOR A DENIAL OF PRETRIAL**
4 **RELEASE ON THE RECORD.**

5 **(J) (1) A DEFENDANT WHO IS UNABLE TO MEET A FINANCIAL CONDITION**
6 **OF RELEASE WITHIN 24 HOURS AFTER IMPOSITION OF THE FINANCIAL CONDITION**
7 **MAY FILE A MOTION FOR A BAIL REVIEW THAT INCLUDES THE REASON THAT THE**
8 **DEFENDANT WAS UNABLE TO MEET THE FINANCIAL CONDITION.**

9 **(2) THE COURT MAY GRANT A HEARING ON THE MOTION FOR A BAIL**
10 **REVIEW.**

11 **(3) THE COURT SHALL STATE THE REASONS FOR DENYING A MOTION**
12 **FOR A BAIL REVIEW EITHER IN WRITING OR ON THE RECORD.**

13 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
14 as follows:

15 **Article – Criminal Procedure**

16 5–205.

17 (a) A District Court judge may:

18 (1) set bond or bail;

19 (2) release a defendant on personal recognizance or on a personal or other
20 bail bond;

21 (3) commit a defendant to a correctional facility in default of a bail bond;

22 (4) order a bail bond forfeited if the defendant fails to meet the conditions
23 of the bond; and

24 (5) exercise all of the powers of a justice of the peace under the Constitution
25 of 1867.

26 (b) (1) Except as provided in paragraph (2) of this subsection, if an order
27 setting “cash bail” or “cash bond” specifies that it may be posted by the defendant only, the
28 “cash bail” or “cash bond” may be posted by the defendant, by an individual, or by a private
29 surety, acting for the defendant, that holds a certificate of authority in the State.

1 (2) Unless otherwise expressly ordered by the court or District Court
2 commissioner, an order setting “cash bail” or “cash bond” for a failure to pay support under
3 Title 10, Title 11, Title 12, or Title 13 of the Family Law Article may be posted by the
4 defendant only.

5 (c) (1) This subsection does not apply to a defendant who has been arrested
6 for failure to appear in court or for contempt of court.

7 (2) (i) Notwithstanding any other law or rule to the contrary, in a
8 criminal or traffic case in the District Court in which a bail bond has been set and if
9 expressly authorized by the court or District Court commissioner, the defendant or a
10 private surety acting for the defendant may post the bail bond by:

11 1. executing it in the full penalty amount; and

12 2. depositing with the clerk of the court or a commissioner
13 the greater of 10% of the penalty amount or \$25.

14 (ii) A judicial officer may increase the percentage of cash surety
15 required in a particular case but may not authorize a cash deposit of less than \$25.

16 (3) On depositing the amount required under paragraph (2) of this
17 subsection and executing the recognizance, the defendant shall be released from custody
18 subject to the conditions of the bail bond.

19 (d) **(1) ON TERMINATION OF A CASH BOND POSTED BY THE DEFENDANT**
20 **OR AN INDIVIDUAL OTHER THAN A SURETY ON BEHALF OF THE DEFENDANT, THE**
21 **COURT MAY ORDER THAT THE CASH DEPOSIT BE USED TO SATISFY FINANCIAL**
22 **OBLIGATIONS RELATED TO THE CASE FOR WHICH THE BOND WAS POSTED,**
23 **INCLUDING COURT COSTS, ATTORNEY’S FEES, AND RESTITUTION, OR FOR AN**
24 **OUTSTANDING CHILD SUPPORT OBLIGATION.**

25 **(2) AFTER SATISFYING THE FINANCIAL OBLIGATIONS IN PARAGRAPH**
26 **(1) OF THIS SUBSECTION, THE COURT MAY ORDER THAT THE CASH DEPOSIT BE USED**
27 **TO SATISFY THE DEFENDANT’S OUTSTANDING FINANCIAL OBLIGATIONS IN A**
28 **DIFFERENT CASE.**

29 **(E)** (1) When all conditions of the bail bond have been performed without
30 default and the defendant has been discharged from all obligations in the cause for which
31 the recognizance was posted, the clerk of the court shall return the deposit to the person or
32 private surety who deposited it.

33 (2) (i) If the defendant fails to perform any condition of the bail bond,
34 the bail bond shall be forfeited.

1 (ii) If the bail bond is forfeited, the liability of the bail bond shall
2 extend to the full amount of the bail bond set and the amount posted as a deposit shall be
3 applied to reduce the liability incurred by the forfeiture.

4 5–207.

5 (a) If a defendant is found guilty in a circuit court and sentenced to imprisonment,
6 a bond on which the defendant was released before the sentencing is terminated.

7 (b) **(1) ON TERMINATION OF A CASH BOND POSTED BY THE DEFENDANT**
8 **OR AN INDIVIDUAL OTHER THAN A SURETY ON BEHALF OF THE DEFENDANT, THE**
9 **COURT MAY ORDER THAT THE CASH DEPOSIT BE USED TO SATISFY FINANCIAL**
10 **OBLIGATIONS RELATED TO THE CASE FOR WHICH THE BOND WAS POSTED,**
11 **INCLUDING COURT COSTS, ATTORNEY’S FEES, AND RESTITUTION, OR FOR AN**
12 **OUTSTANDING CHILD SUPPORT OBLIGATION.**

13 **(2) AFTER SATISFYING THE FINANCIAL OBLIGATIONS IN PARAGRAPH**
14 **(1) OF THIS SUBSECTION, THE COURT MAY ORDER THAT THE CASH DEPOSIT BE USED**
15 **TO SATISFY THE DEFENDANT’S OUTSTANDING FINANCIAL OBLIGATIONS IN A**
16 **DIFFERENT CASE.**

17 (c) If the defendant files a notice of appeal and the sentencing court requires a
18 bond to be posted, the defendant shall post a new bond.

19 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
20 as follows:

21 **Article – Criminal Procedure**

22 6–223.

23 (a) A circuit court or the District Court may end the period of probation at any
24 time.

25 (b) On receipt of written charges, filed under oath, that a probationer or
26 defendant violated a condition of probation during the period of probation, the District
27 Court [may], during the period of probation or within 30 days after the violation, whichever
28 is later, [issue a warrant or notice requiring the probationer or defendant to be brought or
29 appear before the judge issuing the warrant or notice] **OR THE CIRCUIT COURT AT ANY**
30 **TIME MAY:**

31 (1) [to answer the charge of violation of a condition of probation or of
32 suspension of sentence; and] **ISSUE A SUMMONS REQUIRING THE PROBATIONER OR**
33 **DEFENDANT TO APPEAR FOR A HEARING; OR**

1 (2) [to be present for the setting of a timely hearing date for that charge]
2 **ISSUE A WARRANT IF:**

3 **(I) THE ALLEGED VIOLATION OF A CONDITION OF PROBATION**
4 **IS NOT A TECHNICAL VIOLATION; OR**

5 **(II) THE DEFENDANT HAS A HISTORY OF FAILING TO APPEAR.**

6 (c) Pending the hearing or determination of the charge, a circuit court or the
7 District Court may remand the probationer or defendant to a correctional facility or release
8 the probationer or defendant with or without bail.

9 **(D) IF A PROBATIONER OR DEFENDANT IS REMANDED TO A CORRECTIONAL**
10 **FACILITY PENDING A HEARING OR DETERMINATION OF A CHARGE ALLEGING A**
11 **VIOLATION OF A CONDITION OF PROBATION, THE COURT SHALL SET A HEARING**
12 **THAT IS:**

13 **(1) WITHIN 15 DAYS AFTER THE REMAND ORDER FOR A FIRST**
14 **TECHNICAL VIOLATION;**

15 **(2) WITHIN 30 DAYS AFTER THE REMAND ORDER FOR A SECOND**
16 **TECHNICAL VIOLATION;**

17 **(3) WITHIN 45 DAYS AFTER THE REMAND ORDER FOR A THIRD OR**
18 **SUBSEQUENT TECHNICAL VIOLATION; AND**

19 **(4) UNLESS THE CHARGE ALLEGES A VIOLATION OF A CRIMINAL**
20 **PROHIBITION OTHER THAN A MINOR TRAFFIC OFFENSE, WITHIN 90 DAYS AFTER THE**
21 **REMAND ORDER FOR A VIOLATION THAT IS NOT A TECHNICAL VIOLATION.**

22 **[(d)] (E)** If, at the hearing, a circuit court or the District Court finds that the
23 probationer or defendant has violated a condition of probation, the court may:

24 (1) revoke the probation granted or the suspension of sentence; and

25 (2) (i) subject to paragraph (3) of this subsection, for a technical
26 violation, impose a period of incarceration of:

27 1. not more than 15 days for a first technical violation;

28 2. not more than 30 days for a second technical violation; and

29 3. not more than 45 days for a third technical violation; and

1 (ii) for a fourth or subsequent technical violation or a violation that
2 is not a technical violation, impose any sentence that might have originally been imposed
3 for the crime of which the probationer or defendant was convicted or pleaded nolo
4 contendere.

5 (3) (i) There is a rebuttable presumption that the limits on the period
6 of incarceration that may be imposed for a technical violation established in paragraph (2)
7 of this subsection are applicable.

8 (ii) The presumption may be rebutted if the court finds and states on
9 the record, after consideration of the following factors, that adhering to the limits on the
10 period of incarceration established under paragraph (2) of this subsection would create a
11 risk to public safety, a victim, or a witness:

12 1. the nature of the probation violation;

13 2. the facts and circumstances of the crime for which the
14 probationer or defendant was convicted; and

15 3. the probationer's or defendant's history.

16 (iii) On finding that adhering to the limits would create a risk to
17 public safety, a victim, or a witness under subparagraph (ii) of this paragraph, the court
18 may:

19 1. direct imposition of a longer period of incarceration than
20 provided in paragraph (2) of this subsection, but no more than the time remaining on the
21 original sentence; or

22 2. commit the probationer or defendant to the Department of
23 Health and Mental Hygiene for treatment under § 8–507 of the Health – General Article.

24 (iv) A finding under subparagraph (ii) of this paragraph or an action
25 under subparagraph (iii) of this paragraph is subject to appeal under Title 12, Subtitle 3 or
26 Title 12, Subtitle 4 of the Courts Article.

27 6–224.

28 (a) This section applies to a defendant who is convicted of a crime for which the
29 court:

30 (1) does not impose a sentence;

31 (2) suspends the sentence generally;

32 (3) places the defendant on probation for a definite time; or

1 (4) passes another order and imposes other conditions of probation.

2 (b) (1) **IF THE ORIGINAL SENTENCING JUDGE IN THE CIRCUIT COURT IS**
 3 **UNABLE TO HEAR A CHARGE ALLEGING A VIOLATION OF A CONDITION OF**
 4 **PROBATION IN THE TIME REQUIRED UNDER § 6-223 OF THIS SUBTITLE, ANY OTHER**
 5 **JUDGE IN THE CIRCUIT COURT MAY ACT ON THE MATTER.**

6 (2) If a defendant is brought before a circuit court to be sentenced on the
 7 original charge or for violating a condition of probation, and the judge then presiding finds
 8 that the defendant violated a condition of probation, the judge:

9 [(1)] (I) subject to subsection (c) of this section, may sentence the
 10 defendant to:

11 [(i)] 1. all or any part of the period of imprisonment imposed in
 12 the original sentence; or

13 [(ii)] 2. any sentence allowed by law, if a sentence was not imposed
 14 before; and

15 [(2)] (II) may suspend all or part of a sentence and place the defendant on
 16 further probation on any conditions that the judge considers proper, and that do not exceed
 17 the maximum set under § 6-222 of this subtitle.

18 (d) (1) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
 19 **SUBSECTION, THE** District Court judge who originally imposed conditions of probation or
 20 suspension of sentence shall hear any charge of violation of the conditions of probation or
 21 suspension of sentence.

22 (2) Except as provided in paragraph (3) of this subsection, the judge shall
 23 sentence the defendant if probation is revoked or suspension stricken.

24 (3) **[If the judge has been removed from office, has died or resigned, or is**
 25 **otherwise incapacitated, any] ANY** other judge of the District Court may act in the matter
 26 **IF:**

27 (I) **THE JUDGE HAS BEEN REMOVED FROM OFFICE, HAS DIED**
 28 **OR RESIGNED, OR IS OTHERWISE INCAPACITATED; OR**

29 (II) **THE JUDGE IS UNABLE TO HEAR A CHARGE ALLEGING A**
 30 **VIOLATION OF A CONDITION OF PROBATION IN THE TIME REQUIRED UNDER § 6-223**
 31 **OF THIS SUBTITLE.**

32 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 33 as follows:

Article – Criminal Procedure

1
2 15–102.

3 Subject to Title 14 of this article, a State’s Attorney shall, in the county served by
4 the State’s Attorney, prosecute and defend on the part of the State all cases in which the
5 State may be interested.

6 **15–102.1.**

7 **(A) THE STATE’S ATTORNEY OR THE STATE’S ATTORNEY’S DESIGNEE**
8 **SHALL:**

9 **(1) REVIEW ALL CHARGING DOCUMENTS FOR SUFFICIENT DRAFTING,**
10 **ACCURATE STATUTORY REFERENCE, AND SUFFICIENT EVIDENTIARY SUPPORT:**

11 **(I) FOR A DEFENDANT HELD IN PRETRIAL DETENTION, WITHIN**
12 **30 DAYS AFTER THE CHARGES ARE FILED; OR**

13 **(II) FOR ALL OTHER DEFENDANTS, UNLESS THE COURT ORDERS**
14 **AN EXPEDITED TRIAL DATE, AT LEAST 30 DAYS BEFORE THE SCHEDULED TRIAL**
15 **DATE; AND**

16 **(2) CONSIDER A CASE FOR PRETRIAL DIVERSION PROGRAMS,**
17 **INCLUDING:**

18 **(I) MENTAL HEALTH TREATMENT;**

19 **(II) SUBSTANCE ABUSE TREATMENT;**

20 **(III) VETERANS’ CARE; OR**

21 **(IV) MEDIATION.**

22 **(B) IF THE STATE’S ATTORNEY REFERS A CASE TO A PRETRIAL DIVERSION**
23 **PROGRAM, THE STATE’S ATTORNEY MAY:**

24 **(1) REQUEST A POSTPONEMENT FOR THE DEFENDANT TO COMPLETE**
25 **THE PROGRAM;**

26 **(2) ENTER A NOLLE PROSEQUI;**

27 **(3) MOVE TO STET THE CHARGES; OR**

1 **(4) REQUEST THAT PROGRAM COMPLETION BE REQUIRED AS A**
 2 **CONDITION OF PROBATION BEFORE JUDGMENT.**

3 **Article – State Government**

4 9–3207.

5 (a) The Board shall:

6 (1) monitor progress and compliance with the implementation of the
 7 recommendations of the Justice Reinvestment Coordinating Council;

8 (7) create performance measures to assess the effectiveness of the grants
 9 administered under § 9–3209 of this subtitle; [and]

10 (8) consult and coordinate with:

11 (i) the Local Government Justice Reinvestment Commission; and

12 (ii) other units of the State and local jurisdictions concerning justice
 13 reinvestment issues; **AND**

14 **(9) MAKE LEGISLATIVE AND BUDGETARY RECOMMENDATIONS BASED**
 15 **ON DATA–DRIVEN, FISCALLY SOUND CRIMINAL JUSTICE POLICY FOR REDUCING THE**
 16 **PRETRIAL DETENTION POPULATION, INCLUDING RECOMMENDATIONS FOR:**

17 **(I) THE DEVELOPMENT AND USE OF A PRETRIAL SAFETY**
 18 **ASSESSMENT TOOL;**

19 **(II) THE IMPLEMENTATION OF EFFECTIVE PRETRIAL RELEASE**
 20 **SERVICES;**

21 **(III) THE EXPANSION OF THE USE OF CITATIONS;**

22 **(IV) THE IMPLEMENTATION OF DIVERSION PROGRAMS; AND**

23 **(V) TRAINING LAW ENFORCEMENT, PRETRIAL STAFF, AND THE**
 24 **JUDICIARY ON PRETRIAL RELEASE.**

25 SECTION 6. AND BE IT FURTHER ENACTED, That, on or before December 31
 26 annually, the Division of Parole and Probation shall submit a report to the Governor and,
 27 in accordance with § 2–1246 of the State Government Article, to the General Assembly on
 28 the progress of the Pretrial Release Pilot Program, including for each county that
 29 participates in the Pilot Program:

1 (1) the number of individuals that appear before a District Court
2 commissioner;

3 (2) the number of individuals who remained in custody after a District
4 Court commissioner had determined conditions of release and the reasons that the
5 individuals remained in custody;

6 (3) the number of individuals for whom a financial condition was imposed
7 and the amount of the financial condition;

8 (4) the number of pretrial safety assessments conducted and risk
9 classifications that individuals received based on those assessments;

10 (5) the number of individuals denied pretrial release after a hearing before
11 a court and the reasons why release was denied;

12 (6) the number of individuals who remained in custody after the imposition
13 of a financial condition of release and the amount of the financial condition; and

14 (7) the number of hearings granted for a bail review and whether a
15 financial condition was changed as a result of the bail review.

16 SECTION 7. AND BE IT FURTHER ENACTED, That, on or before December 31,
17 2021, the Division shall submit a report to the Governor and, in accordance with § 2–1246
18 of the State Government Article, to the General Assembly that:

19 (1) summarizes the implementation, results, and relevant data from the
20 Pilot Program; and

21 (2) makes recommendations regarding implementation of a statewide
22 pretrial services program.

23 SECTION 8. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
24 effect January 1, 2018.

25 SECTION 9. AND BE IT FURTHER ENACTED, That Sections 2, 6, and 7 of this
26 Act shall take effect January 1, 2018, and shall remain effective for a period of 4 years and,
27 at the end of December 31, 2022, with no further action required by the General Assembly,
28 shall be abrogated and of no further force and effect.

29 SECTION 10. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall
30 take effect October 1, 2017, the effective date of Section 2 of Chapter 515 of the Acts of the
31 General Assembly of 2016. If the effective date of Section 2 of Chapter 515 is amended,
32 Section 4 of this Act shall take effect on the taking effect of Section 2 of Chapter 515.

1 SECTION 11. AND BE IT FURTHER ENACTED, That, subject to the provisions of
2 Sections 8, 9, and 10 of this Act, this Act shall take effect October 1, 2017.