

# SENATE BILL 268

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9lr1759

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By: **Senators Lee, Smith, and Young**

Introduced and read first time: January 28, 2019

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Violation of Conditions of Release**

3 FOR the purpose of altering an exception to the requirement that a police officer charge  
4 certain offenses by citation; expanding the list of charges to which a certain  
5 prohibition against violating a certain condition of pretrial or posttrial release is  
6 applicable to include stalking; making a stylistic change; and generally relating to  
7 violation of conditions of release.

8 BY repealing and reenacting, with amendments,  
9 Article – Criminal Procedure  
10 Section 4–101(c)(1)(i)2.C. and 5–213.1  
11 Annotated Code of Maryland  
12 (2018 Replacement Volume)

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 4–101.

17 (c) (1) (i) Subject to paragraph (2) of this subsection, in addition to any  
18 other law allowing a crime to be charged by citation, a police officer shall charge by citation  
19 for:

20 2. any misdemeanor or local ordinance violation for which  
21 the maximum penalty of imprisonment is 90 days or less, except:

22 C. violation of a condition of pretrial or posttrial release  
23 [while charged with a sexual crime against a minor] under § 5–213.1 of this article;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5-213.1.

2 (a) A person may not violate a condition of pretrial or posttrial release prohibiting  
3 the person from contacting, harassing, or abusing an alleged victim or going in or near an  
4 alleged victim's residence or place of employment if the person is charged with committing:

5 (1) a violation of Title 3, Subtitle 3 of the Criminal Law Article (**SEXUAL**  
6 **CRIMES**) against a victim who is a minor;

7 (2) a crime of violence as defined in § 5-101 of the Public Safety Article;  
8 [or]

9 (3) a crime against a victim who is a person eligible for relief as defined in  
10 § 4-501 of the Family Law Article; **OR**

11 (4) **A VIOLATION OF § 3-802 OF THE CRIMINAL LAW ARTICLE**  
12 **(STALKING).**

13 (b) A person who violates subsection (a) of this section is guilty of a misdemeanor  
14 and on conviction is subject to imprisonment not exceeding 90 days.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2019.