

# 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

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 18, 2020

---

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

1 AN ACT concerning

2 **Criminal Procedure – Pretrial Release – Pretrial Risk ~~Assessment~~ Scoring**  
3 **Instruments**

4 FOR the purpose of requiring a jurisdiction that uses a certain instrument to ~~aid~~ assist in  
5 determining the eligibility for pretrial release of an individual charged with a crime  
6 to have an independent validation study of the instrument conducted within a  
7 certain time period; making an independent validation study conducted in  
8 accordance with this Act for a certain instrument used in a certain pretrial services  
9 program eligible for certain grant funding; defining ~~a certain term~~ terms; providing  
10 for a delayed effective date; and generally relating to pretrial release.

11 BY adding to  
12 Article – Criminal Procedure  
13 Section 5–103  
14 Annotated Code of Maryland  
15 (2018 Replacement Volume and 2019 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Public Safety  
18 Section 4–1101, 4–1102(b), 4–1103(b), and 4–1104  
19 Annotated Code of Maryland  
20 (2018 Replacement Volume and 2019 Supplement)

21 BY repealing and reenacting, without amendments,

---

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 Article – Public Safety  
 2 Section 4–1102(a)  
 3 Annotated Code of Maryland  
 4 (2018 Replacement Volume and 2019 Supplement)

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

7 **Article – Criminal Procedure**

8 **5–103.**

9 (A) IN THIS SECTION, “PRETRIAL RISK ~~ASSESSMENT~~ SCORING  
 10 INSTRUMENT” MEANS A TOOL, A METRIC, AN ALGORITHM, OR SOFTWARE THAT IS  
 11 USED TO ~~DETERMINE~~ ASSIST IN DETERMINING THE ELIGIBILITY OF A DEFENDANT  
 12 FOR PRETRIAL RELEASE IN A PRETRIAL PROCEEDING BASED ON THE DEFENDANT’S  
 13 FLIGHT RISK AND THREAT TO COMMUNITY SAFETY.

14 (B) A JURISDICTION THAT USES A PRETRIAL RISK ~~ASSESSMENT~~ SCORING  
 15 INSTRUMENT TO DETERMINE THE ELIGIBILITY OF A DEFENDANT FOR PRETRIAL  
 16 RELEASE SHALL HAVE AN INDEPENDENT VALIDATION STUDY OF THE PRETRIAL RISK  
 17 ~~ASSESSMENT~~ SCORING INSTRUMENT CONDUCTED AT LEAST ONCE EVERY ~~3~~ 5 YEARS.

18 **Article – Public Safety**

19 4–1101.

20 (a) In this subtitle the following words have the meanings indicated.

21 (b) “Eligible county” means:

22 (1) a county that does not provide defendants with pretrial services; or

23 (2) a county that does provide defendants with pretrial services, but seeks  
 24 to improve the pretrial services to comply with § 4–1104 of this subtitle.

25 (c) “Executive Director” means the Executive Director of the Governor’s Office of  
 26 Crime Control and Prevention.

27 (d) “Fund” means the Pretrial Services Program Grant Fund.

28 (e) “PRETRIAL RISK SCORING INSTRUMENT VALIDATION” MEANS AN  
 29 INDEPENDENT VALIDATION STUDY OF A PRETRIAL RISK SCORING TOOL UNDER §  
 30 5–103 OF THE CRIMINAL PROCEDURE ARTICLE.



HOUSE BILL 49

1                                   2.     with appropriate pretrial supervision; or

2                                   (ii)   should be held without bail;

3                                   (2)   apply best practices shown to be effective in other jurisdictions; and

4                                   (3)   incorporate multiple levels of supervision based on defendant risk  
5 scores with features that include:

6                                   (i)    cellular telephone reminders of a defendant’s hearing date;

7                                   (ii)   drug and alcohol testing;

8                                   (iii)  global positioning satellite monitoring, if applicable; and

9                                   (iv)  substance abuse, mental health, or mediation referrals, if  
10 approved by the judicial officer and available in the eligible county.

11                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 ~~October 1, 2020~~ July 1, 2021.

Approved:

\_\_\_\_\_ Governor.

\_\_\_\_\_ Speaker of the House of Delegates.

\_\_\_\_\_ President of the Senate.