

# SENATE BILL 68

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(PRE-FILED)

0lr1150  
CF HB 49

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By: **Senator Waldstreicher**

Requested: November 1, 2019

Introduced and read first time: January 8, 2020

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Pretrial Release – Pretrial Risk Assessment Instruments**

3 FOR the purpose of requiring a jurisdiction that uses a certain instrument to aid in  
4 determining the eligibility for pretrial release of an individual charged with a crime  
5 to have an independent validation study of the instrument conducted within a  
6 certain time period; defining a certain term; and generally relating to pretrial  
7 release.

8 BY adding to

9 Article – Criminal Procedure

10 Section 5–103

11 Annotated Code of Maryland

12 (2018 Replacement Volume and 2019 Supplement)

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 **5–103.**

17 (A) IN THIS SECTION, “PRETRIAL RISK ASSESSMENT INSTRUMENT” MEANS  
18 A TOOL, A METRIC, AN ALGORITHM, OR SOFTWARE THAT IS USED TO DETERMINE THE  
19 ELIGIBILITY OF A DEFENDANT FOR PRETRIAL RELEASE IN A PRETRIAL PROCEEDING  
20 BASED ON THE DEFENDANT’S FLIGHT RISK AND THREAT TO COMMUNITY SAFETY.

21 (B) A JURISDICTION THAT USES A PRETRIAL RISK ASSESSMENT  
22 INSTRUMENT TO DETERMINE THE ELIGIBILITY OF A DEFENDANT FOR PRETRIAL  
23 RELEASE SHALL HAVE AN INDEPENDENT VALIDATION STUDY OF THE PRETRIAL RISK

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ASSESSMENT INSTRUMENT CONDUCTED AT LEAST ONCE EVERY 3 YEARS.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
3 October 1, 2020.