

SENATE BILL 704

E2, E4

2lr1827
CF HB 1011

By: **Senator Hettleman**

Introduced and read first time: February 4, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 2022

CHAPTER _____

1 AN ACT concerning

2 **Conditions of Pretrial Release – Home Detention Monitoring – Alterations and**
3 **Extension**

4 FOR the purpose of requiring the ~~Maryland Judiciary~~ State to use available federal funds
5 to provide certain payments to private home detention monitoring agencies for
6 certain costs or fees under certain circumstances; requiring the Workgroup on Home
7 Detention Monitoring to submit a certain report to the General Assembly on or before
8 a certain date each year; stating the intent of the General Assembly to fund certain
9 requirements with State or using only federal funds; extending the termination ~~dates~~
10 for certain provisions of law related to home detention monitoring date for the
11 Workgroup on Home Detention Monitoring; removing the termination date for a
12 certain provision of law related to home detention monitoring costs and fees; and
13 generally relating to home detention monitoring.

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Procedure
16 Section 5–201
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2021 Supplement)

19 BY repealing and reenacting, without amendments,
20 Chapter 597 of the Acts of the General Assembly of 2021
21 Section 2(a) and (f)

22 BY repealing and reenacting, with 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 Chapter 597 of the Acts of the General Assembly of 2021
2 Section 2(g), 3, and 4

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

5 **Article – Criminal Procedure**

6 5–201.

7 (a) (1) The court or a District Court commissioner shall consider including, as
8 a condition of pretrial release for a defendant, reasonable protections for the safety of the
9 alleged victim.

10 (2) If a victim has requested reasonable protections for safety, the court or
11 a District Court commissioner shall consider including, as a condition of pretrial release,
12 provisions regarding no contact with the alleged victim or the alleged victim’s premises or
13 place of employment.

14 (b) (1) In accordance with eligibility criteria, conditions, and procedures
15 required under the Maryland Rules, the court may require, as a condition of a defendant’s
16 pretrial release, that the defendant be monitored by a private home detention monitoring
17 agency licensed under Title 20 of the Business Occupations and Professions Article.

18 (2) Except as provided under paragraph (3) of this subsection, a defendant
19 placed in private home detention under paragraph (1) of this subsection shall pay directly
20 to the private home detention monitoring agency the agency’s monitoring fee.

21 (3) ~~A~~ **SUBJECT TO THE AVAILABILITY OF FEDERAL FUNDING UNDER**
22 **PARAGRAPH (4) OF THIS SUBSECTION,** A defendant may not be required to pay a private
23 home detention monitoring agency’s monitoring fee or pay for a home detention monitoring
24 device if:

25 (i) the defendant qualifies as an indigent individual under § 16–210
26 of this article; or

27 (ii) a home detention monitoring device or global positioning system
28 device is provided by the State or a local jurisdiction.

29 (4) The ~~[State]~~ ~~MARYLAND JUDICIARY~~ shall **USE AVAILABLE FEDERAL**
30 **FUNDS TO** provide payment to a private home detention monitoring agency for any costs
31 or fees incurred that are not required to be paid by a defendant under paragraph (3) of this
32 subsection.

33 **Chapter 597 of the Acts of 2021**

34 SECTION 2. AND BE IT FURTHER ENACTED, That:

1 (a) There is a Workgroup on Home Detention Monitoring.

2 (f) The Workgroup shall study and make recommendations regarding the costs
3 and availability of both publicly and privately provided pre-trial home detention
4 monitoring systems.

5 (g) On or before December 31 [2021] **EACH YEAR**, the Workgroup shall submit a
6 report of its findings and recommendations to the General Assembly, in accordance with §
7 2-1257 of the State Government Article.

8 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intention of the
9 General Assembly that [subject to the availability of federal funds,] the implementation of
10 Section 1 of this Act be funded [in fiscal year 2022] using ~~STATE OR ONLY~~ federal funds.

11 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2021. [Section 1 of this Act shall remain effective for 1 year after the expiration or
13 rescission of the Governor's proclamation of March 5, 2020 "Declaration of State of
14 Emergency and Existence of Catastrophic Health Emergency – COVID-19" or the
15 expiration of any renewal of the state of emergency declared by the Governor in the
16 proclamation of March 5, 2020, and 1 year after the expiration of the state of emergency or
17 any renewal of the state of emergency, this Act, with no further action required by the
18 General Assembly, shall be abrogated and of no further force and effect.] Section 2 of this
19 Act ~~IT~~ shall remain effective for a period of [1 year] **4 2 YEARS** and **6 MONTHS AND**, at
20 the end of ~~June 30, DECEMBER 31, 2022~~ **2023**, Section 2 of ~~2025~~, this Act, with no
21 further action required by the General Assembly, shall be abrogated and of no further force
22 and effect.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
24 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.