

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 487

(Senator Waldstreicher)

Judicial Proceedings

Judiciary

Criminal Procedure - Violation of Pretrial or Posttrial Condition by Incarcerated Person - Victim Contact

This bill amends § 5-213.1 of the Criminal Procedure Article to explicitly prohibit a person, *including an incarcerated person*, from violating a condition of pretrial or posttrial release *or other pretrial or posttrial condition* that prohibits the person from contacting, harassing, or abusing an alleged victim or going in or near an alleged victim's residence or place of employment if the person is charged with committing specified offenses.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances or operations.

Local Effect: The bill is not expected to materially affect local finances and operations.

Small Business Effect: None.

Analysis

Current Law: A person may not violate a *condition of pretrial or posttrial release* prohibiting the person from contacting, harassing, or abusing an alleged victim or going in or near an alleged victim's residence or place of employment if the person is charged with committing: (1) a violation of Title 3, Subtitle 3 of the Criminal Law Article (sexual crimes) against a victim who is a minor; (2) a crime of violence, as defined under § 5-101 of the Public Safety Article; (3) a crime against a victim who is a person eligible for relief as defined in § 4-501 of the Family Law Article (in regard to eligibility for a protective order); or (4) a violation of § 3-802 of the Criminal Law Article (stalking).

Violators are guilty of a misdemeanor and subject to imprisonment of up to 90 days.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 411 (Delegate Embry, *et al.*) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2023
km/jkb Third Reader - March 20, 2023
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