



Maryland State's Attorneys' Association

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DATE: February 15, 2024

BILL NUMBER: SB 468

POSITION: Favorable with Amendment

The Maryland State's Attorney's Association (MSAA) supports Senate Bill 468 with the inclusion of one minor amendment to better accomplish the bill's objective.

The availability of home detention as an alternative to pretrial detention in a jail or detention center affords courts an important tool that balances the liberty interests of an accused with the need to ensure both their return to court and the safety of the public. Courts have great latitude in determining the conditions of pretrial release, including the contours of a home detention requirement, and while some home detention participants are afforded great latitude and others are not, every home detention requirement has one thing in common – court need to know as soon as possible when a participant is alleged to have violated the conditions of their home detention.

SB 468 addresses this by requiring that a home detention monitoring program immediately notify a court or, if the court is closed, a designated law enforcement agency if a participant is missing from home detention. However, existing language in MD. CODE ANN., BUS. OCC. & PROF. § 20-401 provides that this notification requirement is only triggered once the participant has been missing for 24 hours. The immediate notification language added by SB 468 is, at best, diluted by this existing provision.

MSAA supports initiatives, like SB 468, that ensure courts and law enforcement are aware of, and can take prompt action in response to, individuals that violate conditions of their pretrial release. An amendment that decreases the 24-hour delay that currently exists in the statute will make SB 468 that much more effective at what it sets out to accomplish.