

HOUSE BILL 1377

E2
HB 566/19 – JUD

0lr1506
CF SB 513

By: **Delegates Mosby, Acevero, Anderson, Atterbeary, Barron, Bartlett, Cardin, Conaway, Crutchfield, D.M. Davis, W. Fisher, Henson, Hill, Ivey, J. Lewis, Lopez, Moon, Palakovich Carr, R. Watson, and Williams**
Introduced and read first time: February 7, 2020
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Conditions of Pretrial Release – Home Detention**
3 **Monitoring**

4 FOR the purpose of exempting certain defendants placed in private home detention as a
5 condition of pretrial release from the requirement to pay a certain monitoring fee
6 under certain circumstances; and generally relating to home detention monitoring.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 5–201
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2019 Supplement)

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

14 **Article – Criminal Procedure**

15 5–201.

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

19 (2) If a victim has requested reasonable protections for safety, the court or
20 a District Court commissioner shall consider including, as a condition of pretrial release,
21 provisions regarding no contact with the alleged victim or the alleged victim's premises or
22 place of employment.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

(2) [A] EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION, A defendant placed in private home detention under paragraph (1) of this subsection shall pay directly to the private home detention monitoring agency the agency's monitoring fee.

(3) A DEFENDANT MAY NOT BE REQUIRED TO PAY A HOME DETENTION MONITORING AGENCY'S MONITORING FEE OR PAY FOR A HOME DETENTION MONITORING DEVICE IF:

(I) THE DEFENDANT QUALIFIES AS AN INDIGENT INDIVIDUAL UNDER § 16-210 OF THIS ARTICLE; OR

(II) A PRIVATE HOME DETENTION MONITORING DEVICE OR GLOBAL POSITIONING SYSTEM DEVICE IS PROVIDED BY THE STATE OR A LOCAL JURISDICTION.

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