

**CHAPTER 655**

**(House Bill 1285)**

AN ACT concerning

**Pretrial Release – Authority of Courts**

FOR the purpose of clarifying that the authority of a court to determine the conditions of pretrial release or to find that a defendant awaiting trial may not be placed in a home detention program is not may not be limited or superseded by the authority of certain regulations, the Division of Pretrial Detention and Services, or the Commissioner of the Division; providing for the effective date of this Act; and generally relating to pretrial release.

BY repealing and reenacting, with amendments,

Article 41 – Governor – Executive and Administrative Departments

Section 4-1403 and 4-1404

Annotated Code of Maryland

(1993 Replacement Volume)

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

**Article 41 – Governor – Executive and Administrative Departments**

4-1403.

(a) There is a Division of Pretrial Detention and Services in the Department.

(b) The Division consists of:

(1) A Pretrial Release Services Program; and

(2) A Baltimore City Detention Center.

(c) The Division has the same authority with regard to the custody of its inmates and the operation of the Baltimore City Detention Center:

(1) As the Division of Correction has under this Code, including Article 27, Sections 667 through 726, with regard to the custody of its inmates and the operation of the Division of Correction; and

(2) As the sheriffs have under this Code, including §§ 45 through 47 of Article 87, with regard to the detention of persons committed to their custody, and the operation of local jails and detention facilities.

(D) THIS SUBTITLE MAY NOT BE CONSTRUED TO LIMIT OR SUPERSEDE THE AUTHORITY OF A COURT TO DETERMINE THE CONDITIONS OF PRETRIAL RELEASE.