

HAS BEEN PREVIOUSLY CONVICTED OF A CRIME OF VIOLENCE AS DEFINED UNDER § 643B OF THIS ARTICLE DURING THE 10-YEAR PERIOD PRIOR TO THE DATE THE DEFENDANT IS CHARGED REGARDLESS OF WHETHER THE CRIME OCCURRED IN THIS STATE OR ELSEWHERE.

~~†(2)†(3)~~ (1) A judge may allow the release pretrial of a defendant described in paragraph ~~†(1)†~~ (2) of this subsection pending trial on ~~suitable~~:

1. SUITABLE bail [and] ~~OR on any~~;

2. ANY other conditions that will reasonably assure that the defendant will not flee or pose a danger to another person or the community ~~OR ON BOTH; OR~~

3. BOTH BAIL AND OTHER CONDITIONS DESCRIBED UNDER ITEM 2 OF THIS SUBPARAGRAPH.

(II) AFTER A DEFENDANT DESCRIBED IN PARAGRAPH ~~(2)~~ (1) OF THIS SUBSECTION HAS BEEN PRESENTED TO THE COURT PURSUANT TO MARYLAND RULE 4-216(G), THE JUDGE SHALL ORDER THE CONTINUED DETENTION OF THE DEFENDANT IF THE JUDGE IS PERSUADED DETERMINES THAT NEITHER SUITABLE BAIL NOR ANY CONDITION OR COMBINATION OF CONDITIONS WILL REASONABLY ASSURE THAT THE DEFENDANT WILL NOT FLEE OR POSE A DANGER TO ANOTHER PERSON OR THE COMMUNITY PRIOR TO THE TRIAL.

~~†(3)†(4)~~ A rebuttable presumption exists that any defendant described in paragraph ~~†(1)†~~ (2) of this subsection will flee and pose a danger to another person or the community.

SECTION 2. AND BE IT FURTHER ENACTED, That to ensure appropriate due process, evidentiary standards, and procedural safeguards, the Court of Appeals of Maryland shall adopt rules to implement this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1997.

Approved May 8, 1997.

CHAPTER 306

(House Bill 497)

AN ACT concerning

Criminal Procedure – Pretrial Release

FOR the purpose of ~~requiring the court or a District Court commissioner to consider whether a defendant will flee or pose a danger to another person or the community when making decisions concerning pretrial release; prohibiting a District Court commissioner from releasing pretrial an individual previously convicted of a crime of violence if the individual is charged with committing another crime of violence;~~