

clarifying that a judge may allow pretrial release on either bail, certain conditions, or both bail and certain conditions; requiring a judge to order continued detention for these individuals under certain circumstances; and generally relating to criminal procedure and pretrial release.

BY repealing and reenacting, with amendments,

Article 27 – Crimes and Punishments

Section 616 1/2(1)

Annotated Code of Maryland

(1996 Replacement Volume)

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

Article 27 – Crimes and Punishments

616 1/2.

~~(1) (1) IN ALL CRIMINAL CASES WHEN MAKING PRETRIAL RELEASE DECISIONS, IN ADDITION TO THE FACTORS UNDER MARYLAND RULE 4-216(F) WHICH MAY BE CONSIDERED, THE COURT OR DISTRICT COURT COMMISSIONER SHALL CONSIDER WHETHER A DEFENDANT WILL FLEE OR POSE A DANGER TO ANOTHER PERSON OR THE COMMUNITY.~~

~~(2) (1) A District Court commissioner may not authorize the release pretrial of a defendant charged with a crime of violence under § 643B of this article [who is on parole, probation, or mandatory supervision for an earlier crime of violence] IF THE DEFENDANT HAS BEEN PREVIOUSLY CONVICTED OF A CRIME OF VIOLENCE AS DEFINED UNDER § 643B OF THIS ARTICLE REGARDLESS OF WHETHER THE CRIME OCCURRED IN THIS STATE OR ELSEWHERE.~~

~~†(2)† (2) (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~~
- ~~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.