

# HOUSE BILL 1011

E2, E4

2lr1828  
CF SB 704

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By: **Delegate Smith**

Introduced and read first time: February 10, 2022

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Conditions of Pretrial Release – Home Detention Monitoring – Alterations and**  
3 **Extension**

4 FOR the purpose of requiring the Maryland Judiciary to provide certain payments to  
5 private home detention monitoring agencies for certain costs or fees under certain  
6 circumstances; requiring the Workgroup on Home Detention Monitoring to submit a  
7 certain report to the General Assembly on or before a certain date each year; stating  
8 the intent of the General Assembly to fund certain requirements with State or  
9 federal funds; extending the termination dates for certain provisions of law related  
10 to home detention monitoring; and generally relating to home detention monitoring.

11 BY repealing and reenacting, with amendments,  
12 Article – Criminal Procedure  
13 Section 5–201  
14 Annotated Code of Maryland  
15 (2018 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Chapter 597 of the Acts of the General Assembly of 2021  
18 Section 2(a) and (f)

19 BY repealing and reenacting, with amendments,  
20 Chapter 597 of the Acts of the General Assembly of 2021  
21 Section 2(g), 3, and 4

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

24 **Article – Criminal Procedure**

25 5–201.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

12 (2) Except as provided under paragraph (3) of this subsection, a defendant  
13 placed in private home detention under paragraph (1) of this subsection shall pay directly  
14 to the private home detention monitoring agency the agency's monitoring fee.

15 (3) A defendant may not be required to pay a private home detention  
16 monitoring agency's monitoring fee or pay for a home detention monitoring device if:

17 (i) the defendant qualifies as an indigent individual under § 16–210  
18 of this article; or

19 (ii) a home detention monitoring device or global positioning system  
20 device is provided by the State or a local jurisdiction.

21 (4) The [State] **MARYLAND JUDICIARY** shall provide payment to a  
22 private home detention monitoring agency for any costs or fees incurred that are not  
23 required to be paid by a defendant under paragraph (3) of this subsection.

## 24 Chapter 597 of the Acts of 2021

### 25 SECTION 2. AND BE IT FURTHER ENACTED, That:

26 (a) There is a Workgroup on Home Detention Monitoring.

27 (f) The Workgroup shall study and make recommendations regarding the costs  
28 and availability of both publicly and privately provided pre-trial home detention  
29 monitoring systems.

30 (g) On or before December 31[, 2021] **EACH YEAR**, the Workgroup shall submit a  
31 report of its findings and recommendations to the General Assembly, in accordance with §  
32 2–1257 of the State Government Article.

33 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intention of the

1 General Assembly that[, subject to the availability of federal funds,] the implementation of  
2 Section 1 of this Act be funded [in fiscal year 2022] using **STATE OR** federal funds.

3 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
4 1, 2021. [Section 1 of this Act shall remain effective for 1 year after the expiration or  
5 rescission of the Governor’s proclamation of March 5, 2020 “Declaration of State of  
6 Emergency and Existence of Catastrophic Health Emergency – COVID–19” or the  
7 expiration of any renewal of the state of emergency declared by the Governor in the  
8 proclamation of March 5, 2020, and 1 year after the expiration of the state of emergency or  
9 any renewal of the state of emergency, this Act, with no further action required by the  
10 General Assembly, shall be abrogated and of no further force and effect. Section 2 of this  
11 Act] **IT** shall remain effective for a period of [1 year] **4 YEARS** and, at the end of June 30,  
12 [2022, Section 2 of] **2025**, this Act, with no further action required by the General  
13 Assembly, shall be abrogated and of no further force and effect.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
15 1, 2022.