

# HOUSE BILL 272

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11r0404

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By: **Delegates McDonough, Dwyer, Kach, Kipke, Krebs, McComas, McMillan, Ready, and Stocksdale**

Introduced and read first time: January 31, 2011

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Bail or Pretrial Release on Recognizance –**  
3 **Requirement**

4 FOR the purpose of requiring, notwithstanding any other law or Maryland Rule, that  
5 a court or a District Court commissioner ask a defendant to provide certain  
6 information on the defendant's legal status in the United States before the court  
7 or a District Court commissioner authorizes the pretrial release of a defendant  
8 on bail or personal recognizance; authorizing the court or a District Court  
9 commissioner to consider the information on the defendant's legal status in  
10 deciding whether to admit the defendant to bail or release the defendant on  
11 recognizance; and generally relating to pretrial release.

12 BY adding to

13 Article – Criminal Procedure

14 Section 5–201.1

15 Annotated Code of Maryland

16 (2008 Replacement Volume and 2010 Supplement)

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

19 **Article – Criminal Procedure**

20 **5–201.1.**

21 **(A) NOTWITHSTANDING ANY OTHER LAW OR MARYLAND RULE, BEFORE**  
22 **THE COURT OR A DISTRICT COURT COMMISSIONER AUTHORIZES THE PRETRIAL**  
23 **RELEASE OF A DEFENDANT ON BAIL OR PERSONAL RECOGNIZANCE, THE COURT**  
24 **OR A DISTRICT COURT COMMISSIONER SHALL ASK THE DEFENDANT TO**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 PROVIDE INFORMATION, INCLUDING DOCUMENTATION, RELATING TO THE  
2 DEFENDANT'S LEGAL STATUS IN THE UNITED STATES.

3 (B) THE COURT OR A DISTRICT COURT COMMISSIONER MAY CONSIDER  
4 THE INFORMATION ON THE DEFENDANT'S LEGAL STATUS IN THE UNITED  
5 STATES IN DECIDING WHETHER TO AUTHORIZE THE PRETRIAL RELEASE OF THE  
6 DEFENDANT ON BAIL OR PERSONAL RECOGNIZANCE.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2011.