SENATE BILL 223

E1, E2 HB 1264/11 – JUD CF HB 17

By: Senator Gladden

Introduced and read first time: January 20, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1	AN ACT concerning				
2	Crimes - Elder Abuse or Neglect - Increased Penalties and Restrictions on				
3	Pretrial Release				
4	(The John H. Taylor Act)				
5	FOR the purpose of altering the penalties for the crime of causing abuse or neglect of a				
6	vulnerable adult in the first or second degree; prohibiting a District Court				
7	commissioner from authorizing the pretrial release of a defendant charged with				
8	causing abuse or neglect of a vulnerable adult in the first or second degree;				
9	providing that a judge may authorize the pretrial release of the defendant on				
10	certain conditions; requiring the judge to order the continued detention of the				
11	defendant if neither suitable bail nor other conditions will reasonably ensure				
12	that the defendant will not flee or pose a danger to a certain person or the				
13	community before the trial; and generally relating to elder abuse or neglect and				
14	increased penalties and restrictions on pretrial release.				
15	BY repealing and reenacting, without amendments,				
16	Article – Criminal Law				
17	Section 3–604(b) and 3–605(b)				
18	Annotated Code of Maryland				
19	(2002 Volume and 2011 Supplement)				
20	BY repealing and reenacting, with amendments,				
21	Article – Criminal Law				
22	Section 3–604(c) and 3–605(c)				
23	Annotated Code of Maryland				
24	(2002 Volume and 2011 Supplement)				
25	BY adding to				
26	Article – Criminal Procedure				
27	Section 5–202(j)				
28	Annotated Code of Maryland				

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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both.

1	(2008 Replacement Volume and 2011 Supplement)				
2 3	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:				
4	Article - Criminal Law				
5	3–604.				
6 7 8	(b) (1) A caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult may not cause abuse or neglect of the vulnerable adult that:				
9	(i) results in the death of the vulnerable adult;				
10	(ii) causes serious physical injury to the vulnerable adult; or				
11	(iii) involves sexual abuse of the vulnerable adult.				
12 13	(2) A household member or family member may not cause abuse or neglect of a vulnerable adult that:				
14	(i) results in the death of the vulnerable adult;				
15	(ii) causes serious physical injury to the vulnerable adult; or				
16	(iii) involves sexual abuse of the vulnerable adult.				
17 18 19 20	(c) A person who violates this section is guilty of the felony of abuse or neglect of a vulnerable adult in the first degree and on conviction is subject to imprisonment not exceeding [10] 20 years or a fine not exceeding [\$10,000] \$20,000 or both.				
21	3–605.				
22 23 24	(b) (1) A caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult may not cause abuse or neglect of the vulnerable adult.				
25 26	(2) A household member or family member may not cause abuse or neglect of a vulnerable adult.				
27 28 29	(c) A person who violates this section is guilty of the misdemeanor of abuse or neglect of a vulnerable adult in the second degree and on conviction is subject to imprisonment not exceeding [5] 10 years or a fine not exceeding [\$5,000] \$10,000 or				

Article - Criminal Procedure

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- 3 (J) (1) A DISTRICT COURT COMMISSIONER MAY NOT AUTHORIZE
 4 THE PRETRIAL RELEASE OF A DEFENDANT CHARGED WITH CAUSING ABUSE OR
 5 NEGLECT OF A VULNERABLE ADULT IN THE FIRST DEGREE UNDER § 3–604 OF
 6 THE CRIMINAL LAW ARTICLE OR IN THE SECOND DEGREE UNDER § 3–605 OF
 7 THE CRIMINAL LAW ARTICLE.
- 8 (2) A JUDGE MAY AUTHORIZE THE PRETRIAL RELEASE OF A DEFENDANT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION ON:
- 10 (I) SUITABLE BAIL THAT EXCEEDS \$5,000;
- 11 (II) RETENTION OF PASSPORT;
- 12 (III) ANY OTHER CONDITION THAT WILL REASONABLY
 13 ENSURE THAT THE DEFENDANT WILL NOT FLEE THE STATE OR THE COUNTRY
 14 OR POSE A DANGER TO ANOTHER PERSON OR THE COMMUNITY; OR
- 15 (IV) A COMBINATION OF BAIL, RETENTION OF PASSPORT, 16 AND OTHER CONDITIONS DESCRIBED UNDER ITEMS (I), (II), AND (III) OF THIS 17 PARAGRAPH.
- 18 (3) When a defendant described in paragraph (1) of this
 19 Subsection is presented to the court under Maryland Rule 4–216(f),
 20 The Judge shall order the continued detention of the defendant if
 21 The Judge determines that neither suitable bail nor any condition
 22 OR COMBINATION OF CONDITIONS WILL REASONABLY ENSURE THAT THE
 23 DEFENDANT WILL NOT FLEE THE STATE OR THE COUNTRY OR POSE A DANGER
 24 TO ANOTHER PERSON OR THE COMMUNITY BEFORE THE TRIAL.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.