

SENATE BILL 704

E2, E4

(2lr1827)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senator Hettleman**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

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~~ State to use available federal funds
5 to provide certain payments to private home detention monitoring agencies for
6 certain costs or fees under certain circumstances; requiring the Workgroup on Home
7 Detention Monitoring to submit a certain report to the General Assembly on or before
8 a certain date each year; stating the intent of the General Assembly to fund certain
9 requirements ~~with State or~~ using only federal funds; *altering the composition of the*
10 *Workgroup on Home Detention Monitoring*; extending the termination ~~dates for~~
11 ~~certain provisions of law related to home detention monitoring~~ date for the
12 Workgroup on Home Detention Monitoring; removing the termination date for a
13 certain provision of law related to home detention monitoring costs and fees; and
14 generally relating to home detention monitoring.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – Criminal Procedure
 3 Section 5–201
 4 Annotated Code of Maryland
 5 (2018 Replacement Volume and 2021 Supplement)

6 BY repealing and reenacting, without amendments,
 7 Chapter 597 of the Acts of the General Assembly of 2021
 8 Section 2(a) and (f)

9 BY repealing and reenacting, with amendments,
 10 Chapter 597 of the Acts of the General Assembly of 2021
 11 Section ~~2(g)~~ 2(b) and (g), 3, and 4

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

14 **Article – Criminal Procedure**

15 5–201.

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

19 (2) If a victim has requested reasonable protections for safety, the court or
 20 a District Court commissioner shall consider including, as a condition of pretrial release,
 21 provisions regarding no contact with the alleged victim or the alleged victim’s premises or
 22 place of employment.

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

27 (2) Except as provided under paragraph (3) of this subsection, a defendant
 28 placed in private home detention under paragraph (1) of this subsection shall pay directly
 29 to the private home detention monitoring agency the agency’s monitoring fee.

30 (3) **A SUBJECT TO THE AVAILABILITY OF FEDERAL FUNDING UNDER**
 31 **PARAGRAPH (4) OF THIS SUBSECTION, A** defendant may not be required to pay a private
 32 home detention monitoring agency’s monitoring fee or pay for a home detention monitoring
 33 device if:

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

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

3 (4) The ~~[State]~~ ~~MARYLAND JUDICIARY~~ shall USE AVAILABLE FEDERAL
4 FUNDS TO provide payment to a private home detention monitoring agency for any costs
5 or fees incurred that are not required to be paid by a defendant under paragraph (3) of this
6 subsection.

7 Chapter 597 of the Acts of 2021

8 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

10 (b) The Workgroup consists of the following members:

11 (1) three members of the Senate of Maryland, appointed by the President of
12 the Senate;

13 (2) three members of the House of Delegates, appointed by the Speaker of the
14 House;

15 (3) the Secretary of Public Safety and Correctional Services, or the
16 Secretary's designee;

17 (4) the Public Defender of Maryland, or the Public Defender's designee;

18 (5) the President of the Maryland State's Attorneys' Association, or the
19 President's designee;

20 (6) one representative of the Job Opportunities Task Force, appointed by the
21 Governor;

22 (7) one representative of the Maryland Chiefs of Police Association and the
23 Maryland Sheriffs' Association, appointed by the Governor;

24 (8) one representative of a large local detention center, appointed by the
25 Governor;

26 (9) one representative of a small local detention center, appointed by the
27 Governor;

28 (10) one representative of a county pre-trial release program that does not
29 charge fees to participants, appointed by the Governor; ~~AND~~

1 (11) one representative of a county pre-trial release program that does charge
 2 fees to participants, appointed by the Governor~~;~~ and

3 (12) two representatives of private home detention monitoring agencies WHO
 4 SHALL BE NONVOTING MEMBERS~~.~~

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

8 (g) On or before December 31 [, 2021] **EACH YEAR**, the Workgroup shall submit a
 9 report of its findings and recommendations to the General Assembly, in accordance with §
 10 2-1257 of the State Government Article.

11 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intention of the
 12 General Assembly that [, subject to the availability of federal funds,] the implementation of
 13 Section 1 of this Act be funded [in fiscal year 2022] using ~~STATE OR ONLY~~ federal funds.

14 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 15 1, 2021. [Section 1 of this Act shall remain effective for 1 year after the expiration or
 16 rescission of the Governor’s proclamation of March 5, 2020 “Declaration of State of
 17 Emergency and Existence of Catastrophic Health Emergency – COVID-19” or the
 18 expiration of any renewal of the state of emergency declared by the Governor in the
 19 proclamation of March 5, 2020, and 1 year after the expiration of the state of emergency or
 20 any renewal of the state of emergency, this Act, with no further action required by the
 21 General Assembly, shall be abrogated and of no further force and effect.] Section 2 of this
 22 Act ~~It~~ shall remain effective for a period of [1 year] **4 2 YEARS and 6 MONTHS AND**, at
 23 the end of ~~June 30, DECEMBER 31, [2022] 2023~~, Section 2 of ~~[2025,~~ this Act, with no
 24 further action required by the General Assembly, shall be abrogated and of no further force
 25 and effect.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
 27 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.