

HOUSE BILL 1011

E2, E4

2lr1828
CF SB 704

By: **Delegate Smith**

Introduced and read first time: February 10, 2022

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 28, 2022

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.

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Procedure
17 Section 5–201
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2021 Supplement)

20 BY repealing and reenacting, without amendments,
21 Chapter 597 of the Acts of the General Assembly of 2021
22 Section 2(a) and (f)

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.



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

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

Article – Criminal Procedure

5–201.

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

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

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

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

(b) The Workgroup consists of the following members:

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

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

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

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

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

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

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

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

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

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

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

(12) two representatives of private home detention monitoring agencies].

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.