

SENATE BILL 704

E2, E4

2lr1827
CF 2lr1828

By: **Senator Hettleman**

Introduced and read first time: February 4, 2022

Assigned to: Judicial Proceedings

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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 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 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.

Chapter 597 of the Acts of 2021

SECTION 2. AND BE IT FURTHER ENACTED, That:

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

(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

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.