

**COMPARISON OF 2017 MARYLAND PRETRIAL – RELEASE BILLS pending\* - EFF. 2/9/17 (\*bills with unfavorable com. votes not included)**

<b>Bill #(s)&amp; hearing dates **- all at 1 p.m. in Hs. Judic.or Sen.JPR,unless otherwise indicated</b>	<b>Sponsor</b>	<b>Subject</b>	<b>Risk Assessment</b>	<b>Pretrial Release programs</b>	<b>BRIEF NOTES ON PARTICULAR PROVISIONS (Use hyperlinks to read full text of bills)</b>	<b>Diversion</b>	<b>VOPs</b>
1) <a href="#">HB 325</a> - 2/7-Judic.	Anderson	Presentment			Defendant may waive presentment, accepting bail conditions of Commis.		
2) <a href="#">HB 853</a> / SB 904 3/9-Judic / ---JPR	Jalisi/Muse	Juv.detention			Unless “crime of violence,” juv. under 13 ineligible for continued detention beyond emergency		
3) <a href="#">HB 1157</a> / <a href="#">SB 879</a> 3/7-Judic / 3/1-JPR	Dumais/ Kelley	Pretrial-standards, risk assessment, release pilots & resource center, other pretrial det. reduction	X	X	Risk assessment, pilots and resource center by 1/1/18. Statewide pretrial release plan in all counties, based on pilots, by 12/31/21, to include training, citations, diversion.	X	X
4) <a href="#">HB 1390</a> / <a href="#">SB 880</a> 3/7-Judic / 3/1 - JPR	Kelley	Pretrial – standards, risk assessment, release programs	X	X	Restates Md. Rule 4-216 & 4-216.1; risk assessment by Commissioners by 1/1/19; all counties to have specified pretrial release programs by 12/31/21.		
5) <a href="#">HB1163</a> / <a href="#">SB976</a> 2/28-Judic / 3/1-JPR	Lee	Pretrial-electronic-monitor & victim notification			Court may include electronic monitor as release condition to notify victim if defendant approaches designated area		
6) <a href="#">SB219</a> 1/31-JPR	Lee	Pretrial-victim notification			Victim may confidentially request “no contact” order; court must notify victim of pretrial release		
7) <a href="#">SB933</a> - 3/1-JPR	Smith	Presentment			See HB 325 note, above		
8) <a href="#">SB983</a> / <a href="#">HB 1215</a> 3/1-JPR/ 3/7-Judic	Muse	Pretrial-standards-release-misdemeanors			Presumption for release on misdemeanors, <u>unless</u> person has another more serious charge, two or more charges of any kind, another pending case,a domestically-related charge, a missed-court-date within 3 yrs, a serious conviction within 5 yrs, etc		
9) <a href="#">HB 1318</a> – 3/7-Judic	Anderson	Balto.City-nonviolent offenders-release w/o bail			Mandates release without “secured monetary bail” but on “any conditions” for safety, excluding list of violent crimes defined to include theft and second degree assault		
10) <a href="#">HB 1280</a> – 3/7 Judic	Anderson	Pretrial release-criteria			Effectively repeals Ct.of Appeals Rule 4-216.1 by permitting judicial officers deliberately to set bonds that defendant cannot afford; creates presumption for release if defendant is only charged with misdemeanors and has not failed to appear in past 3 years; allows courts to “commit”defendants to custody of private persons or organizations; etc.		
11) <a href="#">HB 1218</a> – 3/7 Judic	Moon	Pretrial release – financial conditions			Abolishes money bail in any county with pretrial release program; requires all counties to establish pretrial release programs by 12/31/18.		

**COMMENT BY CHART #:**

#1,2, and 7 apply in limited situations.

#5 & 6 relate only to victims’ issues.

#8,9 and 10 are so narrow that only a small minority of defendants would benefit; #10 also seeks to preserve unconstitutional money bail standard repealed Md. by Court of Appeals Rule 4-216.1

#11 seeks to abolish financial bail completely by 12/18 but does not provide for validated risk assessments or assistance for counties to set up pretrial release programs.

#3 & 4 each provide for validated risk assessment and call for counties to set up pretrial release; #3 also calls for counties’ pilot program, resource center and two other steps to further reduce pretrial detention for VOPs and other cases appropriate for diversion or dismissal. #3 & 4 effective dates and goals are compatible.

**BRIEF COMPARISON OF THREE MOST COMPREHENSIVE BILLS: (Note- other than adjusting dates & admin.structure, these bills are compatible and could be consolidated in part or fully.)**

[HB 1218](#) - Abolishes “financial conditions” for pretrial release in counties with (undefined) pretrial services; all counties must have programs by 12/31/18

[HB 1390](#)/ [SB 880](#) – a) Repeats provisions of amended Court Rule; b) requires risk-assessment use “by Dist.Ct.commis.”in all 24 counties by 1/1/19; c) plus pretrial release services (mental health, drug, educ., employment referrals) in each county by 12/31/21.

[HB 1157](#)/[SB 879](#) – a) Provides State Pretrial Resource Center and b) risk assessment in Balto. & 2 pilot counties by 1/1/18; c) statewide plan by 12/31/21 [or 22?- drafters’ error?]; other provisions to reduce arrests / pretrial detention: d) plans for citations, e) VOPs, f) early screening, g) diversion to mental health, drug, veterans & mediation.