

HOUSE BILL 126

E2
HB 82/20 – JUD

(PRE-FILED)

11r0374
CF SB 229

By: **Delegate Moon**

Requested: June 16, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Pretrial Services Program Grant Fund – Extension and Program**
3 **Requirements**

4 FOR the purpose of prohibiting a pretrial services program that receives a certain grant
5 from charging a fee to a defendant for participation in the program; extending the
6 termination date of a certain Act; and generally relating to the Pretrial Services
7 Program Grant Fund.

8 BY repealing and reenacting, without amendments,
9 Article – Public Safety
10 Section 4–1101 through 4–1103
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2020 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Public Safety
15 Section 4–1104
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2020 Supplement)

18 BY repealing and reenacting, with amendments,
19 Chapter 771 of the Acts of the General Assembly of 2018
20 Section 2

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

23 **Article – Public Safety**

24 4–1101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) In this subtitle the following words have the meanings indicated.

(b) “Eligible county” means:

(1) a county that does not provide defendants with pretrial services; or

(2) a county that does provide defendants with pretrial services, but seeks to improve the pretrial services to comply with § 4–1104 of this subtitle.

(c) “Executive Director” means the Executive Director of the Governor’s Office of Crime Prevention, Youth, and Victim Services.

(d) “Fund” means the Pretrial Services Program Grant Fund.

(e) “Pretrial services program” means a program established in accordance with § 4–1104 of this subtitle.

4–1102.

(a) There is a Pretrial Services Program Grant Fund.

(b) The purpose of the Fund is to provide grants to eligible counties to:

(1) establish pretrial services programs; or

(2) improve existing pretrial services programs to comply with § 4–1104 of this subtitle.

(c) The Executive Director shall administer the Fund.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund in conjunction with the Executive Director.

(e) The Fund consists of:

(1) money appropriated in the State budget to the Fund;

(2) interest earnings of the Fund; and

(3) any other money from any other source accepted for the benefit of the Fund.

1 (f) The Fund may be used only to provide grants to eligible counties to establish
2 or improve pretrial services programs.

3 (g) (1) The State Treasurer shall invest the money of the Fund in the same
4 manner as other State money may be invested.

5 (2) Any interest earnings of the Fund shall be credited to the Fund.

6 (h) Expenditures from the Fund may be made only in accordance with the State
7 budget.

8 (i) The accounts and transactions of the Fund shall be subject to audit by the
9 Legislative Auditor as provided in § 2–1220 of the State Government Article.

10 4–1103.

11 (a) The Executive Director shall:

12 (1) establish procedures for eligible counties to apply for and receive grants
13 from the Fund; and

14 (2) solicit grant proposals from eligible counties.

15 (b) An eligible county that applies for a grant from the Fund shall provide the
16 Executive Director with:

17 (1) a description of how the proposed pretrial services program or proposed
18 pretrial services program improvements will meet the requirements of § 4–1104 of this
19 subtitle; and

20 (2) any other information that the Executive Director considers necessary.

21 (c) The Executive Director shall make grants from the Fund to eligible counties
22 for the establishment or improvement of a pretrial services program in accordance with §
23 4–1104 of this subtitle.

24 (d) An eligible county that receives a grant from the Fund shall submit to the
25 Executive Director proof of the expenditure of the grant funds.

26 (e) Money distributed under this subtitle shall be used to supplement and not
27 supplant any other funding for the establishment or improvement of a pretrial services
28 program.

29 4–1104.

30 (A) A pretrial services program established or improved using a grant distributed
31 in accordance with § 4–1103 of this subtitle shall:

(1) use a validated, evidence-based, race-neutral risk scoring instrument that is consistent with the Maryland Rules to make recommendations to a judicial officer to determine whether a defendant:

(i) is eligible for release:

1. on personal recognizance; or

2. with appropriate pretrial supervision; or

(ii) should be held without bail;

(2) apply best practices shown to be effective in other jurisdictions; and

(3) incorporate multiple levels of supervision based on defendant risk scores with features that include:

(i) cellular telephone reminders of a defendant's hearing date;

(ii) drug and alcohol testing;

(iii) global positioning satellite monitoring, if applicable; and

(iv) substance abuse, mental health, or mediation referrals, if approved by the judicial officer and available in the eligible county.

(B) A PRETRIAL SERVICES PROGRAM THAT RECEIVES A GRANT UNDER THIS SUBTITLE MAY NOT CHARGE A FEE TO ANY DEFENDANT FOR PARTICIPATION IN THE PROGRAM.

Chapter 771 of the Acts of 2018

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018. It shall remain effective for a period of [5] 10 years and, at the end of June 30, [2023] 2028, 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 October 1, 2021.