
By: **Prince George's County Delegation**

Introduced and read first time: February 11, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Pretrial Release - Home Detention Operator**
3 **PG 304-98**

4 FOR the purpose of requiring the Secretary of Public Safety and Correctional Services
5 to adopt certain regulations for the licensure of home detention operators in
6 Prince George's County; requiring the Secretary to set certain minimum
7 standards of operation for home detention operators in Prince George's County;
8 requiring the Secretary to establish certain standards for the release of a
9 defendant into the custody of a home detention operator in Prince George's
10 County; prohibiting certain defendants from being released into the custody of a
11 home detention operator in Prince George's County; and generally relating to
12 home detention operators in Prince George's County.

13 BY adding to
14 Article 27 - Crimes and Punishments
15 Section 638AB
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1997 Supplement)

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

20 **Article 27 - Crimes and Punishments**

21 638AB.

22 (A) (1) IN THIS SECTION, "HOME DETENTION OPERATOR" MEANS A PRIVATE
23 FOR-PROFIT ENTITY THAT IS RESPONSIBLE FOR MONITORING A DEFENDANT
24 BEFORE TRIAL.

25 (2) A COURT MAY GRANT TO A HOME DETENTION OPERATOR THE
26 PRETRIAL CUSTODY OF A DEFENDANT.

27 (B) THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

1 (C) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
2 SHALL:

3 (1) ADOPT REGULATIONS FOR THE LICENSURE OF HOME DETENTION
4 OPERATORS;

5 (2) SET MINIMUM STANDARDS OF OPERATION FOR HOME DETENTION
6 OPERATORS;

7 (3) ADOPT REGULATIONS FOR THE EFFECTIVE ADMINISTRATION OF
8 HOME DETENTION OF A DEFENDANT BY A HOME DETENTION OPERATOR; AND

9 (4) ESTABLISH STANDARDS FOR THE PRETRIAL RELEASE OF A
10 DEFENDANT INTO THE CUSTODY OF A HOME DETENTION OPERATOR.

11 (D) A DEFENDANT IS NOT ELIGIBLE TO BE RELEASED INTO THE CUSTODY OF
12 A HOME DETENTION OPERATOR IF THE DEFENDANT IS CHARGED WITH A CRIME OF
13 VIOLENCE AS DEFINED IN § 643B OF THIS ARTICLE OR ESCAPE UNDER § 139 OF THIS
14 ARTICLE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 1998.