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By: **Delegate Love (Chairman, Anne Arundel County Delegation)**

Introduced and read first time: February 2, 2001

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2001

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CHAPTER 665

1 AN ACT concerning

2 **Anne Arundel County Department of Detention Facilities - Home Detention**  
3 **and Farm Labor Programs**

4 FOR the purpose of requiring the Administrator of the Anne Arundel County  
5 Department of Detention Facilities to establish and administer a home  
6 detention program and adopt regulations for the program; restricting which  
7 inmates may be eligible for the program; providing that the inmates who  
8 participate in the program are responsible for certain expenses and may be  
9 required to pay a fee in connection with the program; setting penalties for an  
10 inmate's violation of a term or condition of the program; authorizing the  
11 Administrator to limit the number of participants in the program; repealing  
12 authorization for the Administrator to assign certain inmates to perform farm  
13 labor under certain conditions; repealing funding provisions for a farm labor  
14 program; and generally relating to the home detention program and farm labor  
15 program administered by the Anne Arundel County Department of Detention  
16 Facilities.

17 BY repealing and reenacting, with amendments,  
18 Article - Correctional Services  
19 Section 11-703  
20 Annotated Code of Maryland  
21 (1999 Volume and 2000 Supplement)

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

1

**Article - Correctional Services**

2 11-703.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) "Administrator" means the Administrator of the County's local  
5 correctional facilities.6 (3) "Participant" means a convicted individual who participates in a  
7 program under this section.8 (4) "Program" means, unless the context requires otherwise, a  
9 rehabilitation, HOME DETENTION, or work program established and conducted under  
10 this section.

11 (b) This section applies only in Anne Arundel County.

12 (c) (1) If a provision of subsections (a) through (e) of this section is  
13 inconsistent with another provision in the Code, the provision of subsections (a)  
14 through (e) of this section controls.15 (2) The privileges and penalties set forth in subsection [(d)(1)(v)]  
16 (E)(1)(V) and (vi) of this section are the exclusive privileges and penalties that relate to  
17 the length of sentence of a participant in a program.18 (3) While released from confinement under the terms of a program, a  
19 participant is not an agent, employee, or servant of the county.

20 (D) (1) THE ADMINISTRATOR SHALL:

21 (I) ESTABLISH AND ADMINISTER A HOME DETENTION PROGRAM;  
22 AND

23 (II) ADOPT REGULATIONS FOR THE PROGRAM.

24 (2) (I) WHEN AN INDIVIDUAL WHO IS CONVICTED OF A CRIME IS  
25 SENTENCED OR AT ANY TIME DURING THE INDIVIDUAL'S CONFINEMENT AS AN  
26 INMATE, A ~~SENTENCING~~ JUDGE MAY ALLOW THE INDIVIDUAL TO PARTICIPATE IN  
27 THE HOME DETENTION PROGRAM.28 (II) IN ADDITION TO PARTICIPATION AT THE RECOMMENDATION  
29 OF ~~THE SENTENCING A~~ JUDGE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, ~~AT~~  
30 ~~ANY TIME AFTER AN INMATE HAS SERVED NOT LESS THAN 25% OF THE INMATE'S~~  
31 ~~SENTENCE,~~ THE ADMINISTRATOR MAY PLACE THE INMATE IN THE HOME  
32 DETENTION PROGRAM UNLESS THE COURT HAS ORDERED OTHERWISE.33 (3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, AN INMATE IS  
34 ELIGIBLE FOR THE HOME DETENTION PROGRAM IF THE INMATE:

1 (I) IS RECOMMENDED FOR THE PROGRAM BY ~~THE SENTENCING A~~  
2 JUDGE OR PLACED IN THE PROGRAM BY THE ADMINISTRATOR UNDER PARAGRAPH  
3 (2) OF THIS SUBSECTION; AND

4 (II) HAS NO OTHER CHARGES PENDING IN ANY JURISDICTION.

5 (4) AN INMATE IS NOT ELIGIBLE FOR THE HOME DETENTION PROGRAM  
6 IF THE INMATE:

7 (I) IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE; OR

8 (II) HAS BEEN FOUND GUILTY OF THE CRIME OF:

9 1. CHILD ABUSE UNDER ARTICLE 27, § 35C OF THE CODE; OR

10 2. ESCAPE UNDER ARTICLE 27, § 137 OF THE CODE.

11 (5) WHILE PARTICIPATING IN THE HOME DETENTION PROGRAM, AN  
12 INMATE IS RESPONSIBLE FOR:

13 (I) THE COSTS OF THE INMATE'S MEDICAL CARE AND RELATED  
14 EXPENSES; AND

15 (II) THE COSTS OF THE INMATE'S LODGING, FOOD, CLOTHING,  
16 TRANSPORTATION, RESTITUTION, AND TAXES.

17 (6) UNLESS THE COURT HAS ORDERED OTHERWISE, THE  
18 ADMINISTRATOR MAY:

19 (I) COLLECT A REASONABLE FEE FROM EACH INMATE  
20 PARTICIPATING IN THE HOME DETENTION PROGRAM; OR

21 (II) WAIVE OR REDUCE THE FEE.

22 (7) THE ADMINISTRATOR MAY DETERMINE THE MAXIMUM NUMBER OF  
23 PARTICIPANTS IN THE HOME DETENTION PROGRAM.

24 (8) AN INMATE WHO KNOWINGLY VIOLATES A TERM OR CONDITION OF  
25 THE HOME DETENTION PROGRAM IS SUBJECT TO:

26 (I) THE PENALTIES PROVIDED UNDER § 11-726 OF THIS SUBTITLE;  
27 AND

28 (II) ANY OTHER DISCIPLINARY ACTION AUTHORIZED UNDER LAW.

29 [(d)] (E) (1) The Administrator may:

30 (i) establish, for the rehabilitation and training of an inmate who  
31 is sentenced to imprisonment in a local correctional facility, a program that enables  
32 the inmate to:

- 1 attend a vocational or educational institution in the  
2 county;
- 3 2. work at gainful, private employment in the county; or  
4 3. participate in any other training or rehabilitation program  
5 in the county;
- 6 (ii) establish eligibility criteria for participation in a program;
- 7 (iii) release an eligible inmate from actual confinement to  
8 participate in a program;
- 9 (iv) establish any other training or rehabilitation program;
- 10 (v) reduce a participant's sentence 1 day for each day that the  
11 participant:
- 12 1. performs with exceptional industry, application, and skill  
13 any industrial, agricultural, or administrative task assigned to the participant; or
- 14 2. performs with satisfactory industry, application, and  
15 progress in the program to which the participant is assigned; and
- 16 (vi) after an administrative hearing, cancel any earned diminution  
17 of an inmate's term of confinement if the inmate violates a regulation adopted under  
18 this section.
- 19 (2) (i) The Administrator shall adopt regulations to conduct each  
20 program.
- 21 (ii) In adopting the regulations, the Administrator shall consider  
22 the safety of the public and the security of a local correctional facility.
- 23 (iii) If a condition of sentence imposed by a court on an inmate is  
24 inconsistent with a regulation adopted under this subsection, the condition imposed  
25 by the court controls as to that inmate.
- 26 (3) While not released from confinement under the terms of a program,  
27 each participant shall be confined in a local correctional facility.
- 28 (4) (i) The Administrator or Administrator's designee shall collect  
29 each participant's total earnings, less payroll deductions.
- 30 (ii) From the participant's earnings, the Administrator or designee  
31 shall pay:
- 32 1. the cost to the County of providing food, lodging, and  
33 clothing for the participant;



