

HOUSE BILL 160

E4, J1, L6

8lr1566

By: **Delegates George, Beidle, V. Clagett, Costa, Dwyer, Frush, King, Kipke, Love, McConkey, and Schuh**

Introduced and read first time: January 18, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Correctional Facilities – Residential Substance**
3 **Abuse Treatment Program**

4 FOR the purpose of requiring the Administrator of correctional facilities for Anne
5 Arundel County to establish a certain residential substance abuse treatment
6 pilot program; requiring the program to have a certain capacity and to provide
7 certain services; requiring the program to keep program participants separated
8 from other inmates; requiring the program to include a certain aftercare
9 coordinator to provide certain services to program participants on release;
10 declaring the intent of the General Assembly; and generally relating to a
11 residential substance abuse program for correctional facilities in Anne Arundel
12 County.

13 BY repealing and reenacting, with amendments,
14 Article – Correctional Services
15 Section 11–703
16 Annotated Code of Maryland
17 (1999 Volume and 2007 Supplement)

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

20 **Article – Correctional Services**

21 11–703.

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

23 (2) “Administrator” means the Administrator of the county’s local
24 correctional facilities.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) “Participant” means an individual who participates in a program
2 under this section.

3 (4) “Program” means, unless the context requires otherwise, a
4 rehabilitation, home detention, pretrial release, or work program established and
5 conducted under this section.

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

7 (c) (1) If a provision of this section is inconsistent with another provision
8 in the Code, the provision of this section controls.

9 (2) The privileges and penalties set forth in subsection [(e)(1)(v) and
10 (vi)] **(F)(1)(V) AND (VI)** of this section are the exclusive privileges and penalties that
11 relate to the length of sentence of a participant in a program.

12 (3) While released from confinement under the terms of a program, a
13 participant is not an agent, employee, or servant of the county.

14 (d) (1) The Administrator shall:

15 (i) establish and administer a home detention program; and

16 (ii) adopt regulations for the program.

17 (2) (i) When an individual who is convicted of a crime is sentenced
18 or at any time during the individual’s confinement as an inmate, a judge may allow
19 the individual to participate in the home detention program.

20 (ii) In addition to participation at the recommendation of a
21 judge under subparagraph (i) of this paragraph, the Administrator may place the
22 inmate in the home detention program unless the court has ordered otherwise.

23 (3) Subject to paragraph (4) of this subsection, an inmate is eligible for
24 the home detention program if the inmate:

25 (i) is recommended for the program by a judge or placed in the
26 program by the Administrator under paragraph (2) of this subsection; and

27 (ii) has no other charges pending in any jurisdiction.

28 (4) An inmate is not eligible for the home detention program if the
29 inmate:

30 (i) is serving a sentence for a crime of violence; or

- 1 (ii) has been found guilty of the crime of:
2 1. child abuse under § 3–601 or § 3–602 of the Criminal
3 Law Article; or
4 2. escape under § 9–404 of the Criminal Law Article.

5 (5) While participating in the home detention program, an inmate is
6 responsible for:

7 (i) the costs of the inmate’s medical care and related expenses;
8 and

9 (ii) the costs of the inmate’s lodging, food, clothing,
10 transportation, restitution, and taxes.

11 (6) The Administrator may:

12 (i) collect a reasonable fee from each inmate participating in
13 the home detention program; or

14 (ii) waive or reduce the fee.

15 (7) The Administrator may determine the maximum number of
16 participants in the home detention program.

17 (8) An inmate who knowingly violates a term or condition of the home
18 detention program is subject to:

19 (i) the penalties provided under § 11–726 of this subtitle; and

20 (ii) any other disciplinary action authorized under law.

21 **(E) (1) THE ADMINISTRATOR SHALL ESTABLISH A RESIDENTIAL**
22 **SUBSTANCE ABUSE TREATMENT PILOT PROGRAM WITH A CAPACITY OF AT**
23 **LEAST 45 PARTICIPANTS THAT INCLUDES THE FOLLOWING SERVICES:**

24 **(I) A THREE-PHASE ORIENTATION, INTENSIVE**
25 **TREATMENT, AND RE-ENTRY PROGRAM;**

26 **(II) GROUP AND INDIVIDUAL THERAPY, INCLUDING**
27 **RECREATIONAL, COGNITIVE-BEHAVIORAL, RELAPSE PREVENTION, AND**
28 **CRITICAL THINKING;**

29 **(III) TRAINING FOR PROGRAM PARTICIPANTS WHO ARE**
30 **TRAUMA VICTIMS;**

1 (IV) **GED CLASSES, LIBRARY ACCESS, BOOK CLUBS, ART**
2 **CLASSES, HIV/STD PREVENTION AND TREATMENT EDUCATION, AND**
3 **VOCATIONAL TRAINING; AND**

4 (V) **TRAINING FOR CORRECTIONAL STAFF ON THE GOALS OF**
5 **THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM.**

6 (2) **THE PROGRAM SHALL KEEP PROGRAM PARTICIPANTS**
7 **SEPARATED FROM OTHER INMATES.**

8 (3) **THE PROGRAM SHALL INCLUDE AN AFTERCARE**
9 **COORDINATOR TO FOLLOW PROGRAM PARTICIPANTS ON RELEASE AND ASSIST**
10 **PROGRAM PARTICIPANTS TO MAKE CONNECTIONS TO SERVICE PROVIDERS IN**
11 **THE COMMUNITY.**

12 [(e)] (F) (1) The Administrator may:

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

16 1. attend a vocational or educational institution;
17 2. work at gainful, private employment; or
18 3. participate in any other training or rehabilitation
19 program;

20 (ii) establish eligibility criteria for participation in a program;

21 (iii) release an eligible inmate from actual confinement to
22 participate in a program;

23 (iv) establish any other training or rehabilitation program;

24 (v) reduce a participant's sentence 1 day for each day that the
25 participant:

26 1. performs with exceptional industry, application, and
27 skill any industrial, agricultural, or administrative task assigned to the participant; or

28 2. performs with satisfactory industry, application, and
29 progress in the program to which the participant is assigned; and

1 (vi) after an administrative hearing, cancel any earned
2 diminution of an inmate's term of confinement if the inmate violates a regulation
3 adopted under this section.

4 (2) (i) The Administrator shall adopt regulations to conduct each
5 program.

6 (ii) In adopting the regulations, the Administrator shall
7 consider the safety of the public and the security of a local correctional facility.

8 (iii) Except as provided in subsection [(g)(2)] **(H)(2)** of this
9 section, if a condition of the sentence imposed by a court on an inmate is inconsistent
10 with a regulation adopted under this subsection, the condition imposed by the court
11 controls as to that inmate.

12 (3) While not released from confinement under the terms of a
13 program, each participant shall be confined in a local correctional facility.

14 (4) (i) The Administrator or Administrator's designee shall collect
15 each participant's total earnings, less payroll deductions.

16 (ii) From the participant's earnings, the Administrator or
17 designee shall pay:

18 1. voluntary or court-ordered payments for support of a
19 dependent; and

20 2. court-ordered payments for restitution.

21 (iii) The Administrator may:

22 1. deduct a reasonable fee from the earnings of each
23 inmate participating in the program; or

24 2. waive or reduce the fee.

25 (iv) The Administrator or designee shall:

26 1. credit to the participant's account any remaining
27 balance; and

28 2. dispose of the balance as requested by the participant
29 and as approved by the Administrator.

30 (5) A participant who knowingly violates a regulation adopted under
31 this section:

32 (i) is subject to removal from the program;

1 (ii) after an administrative hearing, is subject to cancellation of
2 any earned diminution of the inmate's term of confinement; and

3 (iii) is subject to the provisions of § 11-726 of this subtitle.

4 [(f)] (G) (1) The Administrator may:

5 (i) establish a pretrial release program that offers alternatives
6 to pretrial detention; and

7 (ii) adopt regulations to carry out the program.

8 (2) A court may order an individual to participate in the pretrial
9 release program if the individual appears before the court after being charged and
10 detained on bond.

11 (3) The court may enter the order at the imposition of bond, on review
12 of bond, or any other time during the individual's pretrial detention.

13 [(g)] (H) (1) At the time of sentencing or at any time during an
14 individual's confinement, the sentencing judge or the Administrator may allow an
15 individual who is convicted of a crime and sentenced to imprisonment to participate in
16 a program established under subsection [(e)](F) of this section, provided that the
17 individual meets the eligibility criteria established by the Administrator for
18 participation in that program.

19 (2) Subject to the eligibility criteria established by the Administrator,
20 a judge may order that an individual participate in a program established under
21 subsection [(e)](F) of this section.

22 (3) The Administrator may not allow an individual to participate in a
23 program established under subsection [(e)](F) of this section if a court order prohibits
24 the individual from participating in that program.

25 [(h)] (I) (1) A court may require an individual who is convicted of a
26 crime to satisfy a fine or court costs by participating in a work program established
27 under the jurisdiction of the Division of Parole and Probation.

28 (2) An individual who participates in the work program shall receive
29 credit of at least the federal minimum wage per hour toward the fine and court costs.

30 [(i)] (J) If the Administrator establishes and operates a community service
31 program authorized by §§ 8-701 through 8-711 of this article, the Administrator may
32 charge a reasonable fee to each individual participating in the program.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
2 intends that the Governor's Office of Crime Control and Prevention work with
3 individual counties to ensure that Maryland secures all available federal, State, and
4 local funding available for the implementation and development of residential
5 substance abuse treatment programs authorized or required in Title 11, Subtitle 7 of
6 the Correctional Services Article, including funds for training and equipment.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2008.