

# HOUSE BILL 638

E1, E4

4r1750  
CF SB 815

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By: **Montgomery County Delegation**

Introduced and read first time: January 30, 2014

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 8, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Telecommunication Devices in Place of Confinement –**  
3 **Montgomery County Work Release and Prerelease Programs**

4 **MC 21-14**

5 FOR the purpose of exempting certain work release and prerelease programs in  
6 Montgomery County from certain prohibitions relating to telecommunication  
7 devices in a place of confinement; and generally relating to Montgomery County  
8 work release and prerelease programs and telecommunication devices.

9 BY repealing and reenacting, without amendments,  
10 Article – Correctional Services  
11 Section 11-717  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Criminal Law  
16 Section 9-417  
17 Annotated Code of Maryland  
18 (2012 Replacement Volume and 2013 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Correctional Services**

2 11-717.

3 (a) In this section, “Director” means the Director of the Montgomery County  
4 Department of Correction and Rehabilitation.

5 (b) This section applies only in Montgomery County.

6 (c) (1) The County Council shall establish work release and prerelease  
7 programs in accordance with this section.8 (2) A work release or prerelease program shall provide that an inmate  
9 of the County Department of Correction and Rehabilitation, on approval of the  
10 Director, may leave confinement during necessary and reasonable hours to seek or  
11 work at gainful employment and to participate in other rehabilitative activities,  
12 including:

13 (i) intensive counseling;

14 (ii) academic education;

15 (iii) home visitation;

16 (iv) transitional phased release programs; and

17 (v) maximum use of other community resources or other similar  
18 rehabilitative activities.19 (d) (1) At any time during the confinement of an inmate of the County  
20 Department of Correction and Rehabilitation, the judge who ordered the confinement  
21 or, if that judge is unable to act, another judge of the committing court, may approve  
22 the transfer of the inmate to the work release/prerelease center to participate in a  
23 work release or prerelease program:24 (i) in accordance with the selection requirements and programs  
25 established by the County Council; and26 (ii) after a recommendation by the Director or the Director’s  
27 designee.28 (2) After the inmate enters the work release or prerelease program,  
29 the judge who ordered confinement or, if that judge is unable to act, another judge of  
30 the committing court, may order the release of the inmate from custody based on:31 (i) the recommendation of the Director or Director’s designee;  
32 and

1 (ii) the report of the inmate's performance in the work release or  
2 prerelease program.

3 (3) When not employed or otherwise participating in a work release  
4 program, the inmate shall be confined in the prerelease center unless the committing  
5 court directs otherwise.

6 (e) (1) The Director or the Director's designee shall collect the earnings of  
7 an inmate participating in a work release or prerelease program under this section,  
8 less any payroll deduction required by law.

9 (2) From the earnings of the inmate, the Director may deduct:

10 (i) the amount determined to be the cost to the county of  
11 providing food, lodging, and clothing for the inmate;

12 (ii) actual and necessary food, travel, and other expenses  
13 incidental to the inmate's participation in the program;

14 (iii) an amount the inmate is legally obligated or desires to pay  
15 for the support of a dependent;

16 (iv) if applicable, a reasonable amount to repay the State or the  
17 county for an attorney appointed by the court; and

18 (v) court-ordered payments for restitution.

19 (3) The Director shall:

20 (i) credit to the inmate's account any remaining balance; and

21 (ii) dispose of the balance in the inmate's account as the inmate  
22 requests and the Director approves.

23 (f) (1) If an inmate violates a trust or a condition that the County Council  
24 establishes for conduct or employment, the inmate is subject to:

25 (i) removal from the program; and

26 (ii) cancellation of any earned diminution of the inmate's term  
27 of confinement.

28 (2) If an inmate violates a condition or a term of the program and the  
29 Director or the Director's designee removes the inmate from the program because of  
30 the violation, a judge of the committing court may redesignate the Division of

1 Correction as the agency of custody for the remaining term of the inmate's  
2 confinement.

3 (g) (1) The County Department of Correction and Rehabilitation shall  
4 provide all work release, prerelease, and similar services to county residents who are  
5 sentenced to the jurisdiction of the Division of Correction.

6 (2) The Commissioner of Correction may transfer to the County  
7 Department of Correction and Rehabilitation only those eligible individuals who are  
8 screened and recommended for approval for the work release or prerelease program, or  
9 both programs, by both correctional agencies.

10 (3) The county facilities shall operate in accordance with general  
11 operational standards that the Commissioner of Correction approves.

12 (4) The County Department of Correction and Rehabilitation and the  
13 Division of Correction shall negotiate a contract each year that provides for State  
14 reimbursement on a per diem basis for operational costs to the county for providing  
15 the community correctional services described in this section to inmates sentenced to  
16 the Division of Correction and confined in the County Department of Correction and  
17 Rehabilitation.

#### 18 Article – Criminal Law

19 9–417.

20 (A) THIS SECTION DOES NOT APPLY TO A WORK RELEASE OR  
21 PRERELEASE PROGRAM IN MONTGOMERY COUNTY ESTABLISHED UNDER §  
22 11–717 OF THE CORRECTIONAL SERVICES ARTICLE.

23 [(a)] (B) (1) A person may not deliver a telecommunication device to a  
24 person detained or confined in a place of confinement with signs posted indicating that  
25 such conduct is prohibited.

26 (2) A person may not possess a telecommunication device with the  
27 intent to deliver it to a person detained or confined in a place of confinement with  
28 signs posted indicating that such conduct is prohibited.

29 (3) A person may not deposit or conceal a telecommunication device in  
30 or about a place of confinement with signs posted indicating that such conduct is  
31 prohibited or on any land appurtenant to the place of confinement with the intent that  
32 it be obtained by a person detained or confined in the place of confinement.

33 (4) A person detained or confined in a place of confinement may not  
34 knowingly possess or receive a telecommunication device.

1           **[(b)] (C)**     A person who violates this section is guilty of a misdemeanor and  
2 on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding  
3 \$1,000 or both.

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.