

HOUSE BILL 1126

E4

6lr0934

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

Introduced and read first time: February 11, 2016

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 2, 2016

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County ~~Pretrial Release Program~~ County Pretrial Release,**
3 **Work Release, and Diversion Programs Task Force**

4 PG 307-16

5 FOR the purpose of ~~requiring an administrator of a Prince George's County detention~~
6 ~~center to establish a certain pretrial release program and to adopt certain~~
7 ~~regulations; authorizing a court to order an individual to participate in a pretrial~~
8 ~~release program under certain circumstances; establishing when a court may order~~
9 ~~an individual to participate in a pretrial release program; requiring the~~
10 ~~administrator to consult with the Prince George's County State's Attorney's Office to~~
11 ~~establish conditions and requirements for participation in a pretrial release~~
12 ~~program, establish and administer certain activities, provide certain information~~
13 ~~and guidance to certain organizations participating in pretrial release programs, act~~
14 ~~as a liaison with certain organizations participating in a pretrial release program,~~
15 ~~and maintain final authority over participation in a pretrial release program;~~
16 ~~establishing certain criteria that may be used to determine participation in a pretrial~~
17 ~~release program; requiring that the administrator provide certain information to~~
18 ~~certain entities following the successful completion of a pretrial release program by~~
19 ~~a participant; authorizing an administrator to charge a fee for participation in a~~
20 ~~pretrial release program; limiting the fee that may be charged for participation in a~~
21 ~~pretrial release program; and generally relating to pretrial release programs in~~
22 ~~Prince George's County~~ **establishing the Prince George's County Pretrial Release,**
23 **Work Release, and Diversion Programs Task Force; providing for the composition,**
24 **chair, and staffing of the Task Force; prohibiting a member of the Task Force from**

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 receiving certain compensation, but authorizing the reimbursement of certain
 2 expenses; requiring the Task Force to study and make recommendations regarding
 3 certain matters; requiring the Task Force to report its findings and
 4 recommendations to the Governor, members of the Prince George's County
 5 delegation to the General Assembly, and the General Assembly on or before a certain
 6 date; providing for the termination of this Act; and generally relating to the Prince
 7 George's County Pretrial Release, Work Release, and Diversion Programs Task
 8 Force.

9 ~~BY repealing and reenacting, without amendments,~~
 10 ~~Article — Correctional Services~~
 11 ~~Section 11-718(a) and (b)~~
 12 ~~Annotated Code of Maryland~~
 13 ~~(2008 Replacement Volume and 2015 Supplement)~~

14 ~~BY adding to~~
 15 ~~Article — Correctional Services~~
 16 ~~Section 11-718(g)~~
 17 ~~Annotated Code of Maryland~~
 18 ~~(2008 Replacement Volume and 2015 Supplement)~~

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

21 ~~**Article — Correctional Services**~~

22 ~~11-718.~~

23 ~~(a) In this section, "administrator" means an administrator of a county detention~~
 24 ~~center.~~

25 ~~(b) This section applies only in Prince George's County.~~

26 ~~(c) (1) AN ADMINISTRATOR SHALL:~~

27 ~~(i) ESTABLISH A PRETRIAL RELEASE PROGRAM THAT OFFERS~~
 28 ~~ALTERNATIVES TO PRETRIAL DETENTION; AND~~

29 ~~(ii) ADOPT REGULATIONS TO CARRY OUT THE PROGRAM.~~

30 ~~(2) A COURT MAY ORDER AN INDIVIDUAL TO PARTICIPATE IN THE~~
 31 ~~PRETRIAL RELEASE PROGRAM IF THE INDIVIDUAL APPEARS BEFORE THE COURT~~
 32 ~~AFTER BEING CHARGED AND DETAINED ON BOND.~~

1 ~~(3) THE COURT MAY ENTER THE ORDER AT THE IMPOSITION OF~~
2 ~~BOND, ON REVIEW OF BOND, OR AT ANY OTHER TIME DURING THE INDIVIDUAL'S~~
3 ~~PRETRIAL DETENTION.~~

4 ~~(4) A PRETRIAL RELEASE PROGRAM MAY INCLUDE:~~

5 ~~(I) A DIVERSION PROGRAM FOR OFFENDERS CHARGED WITH~~
6 ~~DRUG RELATED OFFENSES;~~

7 ~~(II) A VOLUNTARY COMMUNITY SERVICE PROGRAM WITH A~~
8 ~~PUBLIC OR NONPROFIT AGENCY; OR~~

9 ~~(III) ANY OTHER PROGRAM THAT OFFERS ALTERNATIVE,~~
10 ~~MEANINGFUL, AND COST EFFECTIVE MEANS TO REDUCE THE FINANCIAL IMPACT TO~~
11 ~~THE COURT AND THE COMMUNITY BY PROVIDING ELIGIBLE OFFENDERS WITH~~
12 ~~PRODUCTIVE ALTERNATIVES TO CRIMINAL CONVICTION.~~

13 ~~(5) THE ADMINISTRATOR SHALL:~~

14 ~~(I) IN CONSULTATION WITH THE PRINCE GEORGE'S COUNTY~~
15 ~~STATE'S ATTORNEY'S OFFICE, ESTABLISH CONDITIONS AND REQUIREMENTS FOR~~
16 ~~PARTICIPATION IN A PRETRIAL RELEASE PROGRAM;~~

17 ~~(II) ESTABLISH AND ADMINISTER ACTIVITIES NECESSARY TO~~
18 ~~CARRY OUT THIS SUBSECTION;~~

19 ~~(III) PROVIDE INFORMATION AND GUIDANCE TO PARTICIPATING~~
20 ~~PUBLIC AND NONPROFIT AGENCIES;~~

21 ~~(IV) ACT AS A LIAISON WITH RELEVANT CRIMINAL JUSTICE~~
22 ~~AGENCIES AND DEPARTMENTS; AND~~

23 ~~(V) MAINTAIN FINAL AUTHORITY OVER THE ELIGIBILITY OF A~~
24 ~~PARTICIPANT IN A PRETRIAL RELEASE PROGRAM.~~

25 ~~(6) CRITERIA USED TO DETERMINE PARTICIPATION IN A PRETRIAL~~
26 ~~RELEASE PROGRAM MAY INCLUDE:~~

27 ~~(I) PRIOR CRIMINAL HISTORY AND JUVENILE COURT~~
28 ~~DISPOSITIONS;~~

29 ~~(II) CURRENT CHARGES FOR CRIMES OR DELINQUENT ACTS;~~

30 ~~(III) PROBATION STATUS IN OTHER CASES;~~

~~(IV) THE EXISTENCE OF ANY OTHER PENDING CRIMINAL OR JUVENILE COURT CASES;~~

~~(V) PREVIOUS ENROLLMENT IN A PRETRIAL RELEASE PROGRAM;~~

~~(VI) THE AGE OF THE ACCUSED; AND~~

~~(VII) WHETHER THE ACCUSED IS BELIEVED TO BE A DANGER TO THE COMMUNITY.~~

~~(7) ON SUCCESSFUL COMPLETION OF A PRETRIAL RELEASE PROGRAM'S REQUIREMENTS, THE ADMINISTRATOR SHALL PROVIDE NECESSARY INFORMATION TO THE COURT, THE OFFICE OF THE STATE'S ATTORNEY, AND THE RELEVANT JUVENILE AND CRIMINAL JUSTICE AGENCIES AND DEPARTMENTS.~~

~~(8) (I) THE ADMINISTRATOR MAY IMPOSE FEES ON PARTICIPANTS IN A PRETRIAL RELEASE PROGRAM.~~

~~(II) FEES CHARGED FOR PARTICIPATION IN A PRETRIAL RELEASE PROGRAM MAY NOT EXCEED THE REASONABLE COST OF ADMINISTERING THE PRETRIAL RELEASE PROGRAM.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.~~

(a) There is a Prince George's County Pretrial Release, Work Release, and Diversion Programs Task Force.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland from Prince George's County, appointed by the President of the Senate;

(2) one member of the House of Delegates from Prince George's County, appointed by the Speaker of the House;

(3) the State's Attorney for Prince George's County, or the State's Attorney's designee;

(4) the Prince George's County Health Officer, or the Health Officer's designee;

(5) the Executive Director of the Governor's Office of Crime Control and Prevention, or the Executive Director's designee;

1 (6) a representative of Prince George’s County Department of Corrections
2 appointed by the Prince George’s County Executive; and

3 (7) a representative of the Office of the Public Defender in Prince George’s
4 County.

5 (c) The Senate and House members shall serve as cochairs of the Task Force.

6 (d) The Prince George’s County Department of Corrections shall provide staff for
7 the Task Force.

8 (e) A member of the Task Force:

9 (1) may not receive compensation as a member of the Task Force; but

10 (2) is entitled to reimbursement for expenses under the Standard State
11 Travel Regulations, as provided in the State budget.

12 (f) The Task Force shall:

13 (1) study:

14 (i) how pretrial release programs, work release programs, and
15 diversion programs in other jurisdictions that offer alternatives to detention are organized
16 and operate;

17 (ii) whether the programs would benefit the criminal justice process
18 in Prince George’s County;

19 (iii) what type of offenders should be eligible for the programs; and

20 (iv) what would be required to establish the programs in Prince
21 George’s County; and

22 (2) make recommendations regarding the establishment of a pretrial
23 release program, work release program, and diversion program in Prince George’s County.

24 (g) On or before December 1, 2016, the Task Force shall report its findings and
25 recommendations to the Governor and, in accordance with § 2–1246 of the State
26 Government Article, the members of the Prince George’s County Delegation to the General
27 Assembly and the General Assembly.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
29 1, 2016. It shall remain effective for a period of 1 year and, at the end of June 30, 2017,
30 with no further action required by the General Assembly, this Act shall be abrogated and
31 of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.