

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 1268  
Judiciary

(Calvert County Delegation)

Judicial Proceedings

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Calvert County - Pretrial Release Program - Nonviolent Felon

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This bill repeals the prohibition on an individual in detention for or previously convicted of a *felony that is not a crime of violence* from being eligible for the pretrial release program in Calvert County. The bill establishes a prohibition on an individual in detention for or previously convicted of a *controlled dangerous substance offense as a volume dealer, drug kingpin, or importer* from being eligible for the pretrial release program in Calvert County.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Potential minimal decrease in expenditures for the Calvert County Detention Center to the extent the bill results in an increase in the number of individuals who are able to participate in the pretrial release program, thereby reducing the inmate population. Revenues are not affected.

**Small Business Effect:** None.

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Analysis

**Current Law:** In Calvert County, the Sheriff is authorized to (1) establish a pretrial release program that offers alternatives to pretrial detention and (2) adopt regulations to administer the program.

A court is authorized to order an individual to participate in the pretrial release program if the individual (1) appears before the court after being charged and detained on bond and (2) meets the program's eligibility requirements. The court may issue such an order at the

imposition of bond, on review of bond, or any other time during the individual's pretrial detention.

An individual is eligible for the pretrial release program if the individual (1) is recommended to the court for placement in the program by the program staff; (2) has no other charges for a felony or a violation of a crime of violence pending in any jurisdiction; and (3) is not in detention for or been previously convicted of a crime of violence, a felony, or first-degree escape.

**Background:** The Calvert County Detention Center's supervised pretrial release program provides offenders who present a minimal danger to the community, and who are charged with a crime that may be adjudicated by the court, the opportunity to be released from incarceration.

An offender may enter the program only upon the authorization of a court or as a result of an order from a judge. An offender may spend a period of confinement within the detention center prior to entering the program in order to give program staff time to conduct interviews and process the offender to determine eligibility for placement in the program. During processing, the staff determines the level of supervision necessary for the offender. The level of supervision may include electronic monitoring along with extensive treatment tailored to the offender's needs.

If authorized by a court, work release is an option for an offender serving his/her sentence on the pretrial release program. The offender is responsible for adhering to all rules and regulations provided under the work release program and any additional rules and regulations set by the pretrial trial release program staff.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Calvert County, Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2016  
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