

Article - Correctional Services

§11-703.

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

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

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

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

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

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

(2) The privileges and penalties set forth in subsection (e)(1)(v) and (vi) of this section are the exclusive privileges and penalties that relate to the length of sentence of a participant in a program.

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

(d) (1) The Administrator shall:

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

(ii) adopt regulations for the program.

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

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

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

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

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

(4) An inmate is not eligible for the home detention program if the inmate:
(i) is serving a sentence for a crime of violence; or
(ii) has been found guilty of the crime of:
1. child abuse under § 3-601 or § 3-602 of the Criminal Law Article; or
2. escape under § 9-404 of the Criminal Law Article.

(5) While participating in the home detention program, an inmate is responsible for:
(i) the costs of the inmate's medical care and related expenses; and
(ii) the costs of the inmate's lodging, food, clothing, transportation, restitution, and taxes.

(6) The Administrator may:
(i) collect a reasonable fee from each inmate participating in the home detention program; or
(ii) waive or reduce the fee.

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

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

- (i) the penalties provided under § 11-726 of this subtitle; and
- (ii) any other disciplinary action authorized under law.

(e) (1) The Administrator may:
(i) establish, for the rehabilitation and training of an inmate who is sentenced to imprisonment in a local correctional facility, a program that enables the inmate to:
1. attend a vocational or educational institution;
2. work at gainful, private employment; or
3. participate in any other training or rehabilitation program;
(ii) establish eligibility criteria for participation in a program;

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

(iv) establish any other training or rehabilitation program;

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

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

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

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

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

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

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

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

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

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

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

2. court-ordered payments for restitution.

(iii) The Administrator may:

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

2. waive or reduce the fee.

(iv) The Administrator or designee shall:

- and
1. credit to the participant's account any remaining balance;
 2. dispose of the balance as requested by the participant and as approved by the Administrator.

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

- (i) is subject to removal from the program;
- (ii) after an administrative hearing, is subject to cancellation of any earned diminution of the inmate's term of confinement; and
- (iii) is subject to the provisions of § 11-726 of this subtitle.

(f) (1) The Administrator may:

- (i) establish a pretrial release program that offers alternatives to pretrial detention; and
- (ii) adopt regulations to carry out the program.

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

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

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

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

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

(h) (1) A court may require an individual who is convicted of a crime to satisfy a fine or court costs by participating in a work program established under the

jurisdiction of the Division of Parole and Probation.

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

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