

HOUSE BILL 110

E2, E4, L2

8lr0849

By: **St. Mary's County Delegation**

Introduced and read first time: January 15, 2018

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 20, 2018

CHAPTER _____

1 AN ACT concerning

2 **St. Mary's County – Inmate Release Programs**

3 FOR the purpose of authorizing the St. Mary's County Sheriff to establish a pretrial release
4 program and a prerelease program; authorizing a certain inmate to leave a certain
5 detention center for certain purposes; repealing a provision authorizing the Sheriff
6 and the Board of County Commissioners of St. Mary's County to charge a certain
7 inmate a certain amount or fee to pay for certain costs; requiring the Sheriff or the
8 Sheriff's designee to collect the earnings of a certain inmate, less a certain deduction;
9 authorizing the Sheriff to deduct certain amounts from the earnings of an inmate for
10 certain purposes; requiring the Sheriff to credit to a certain inmate's account a
11 certain balance and dispose of a certain account balance in a certain manner; making
12 a technical change; and generally relating to inmate release programs in St. Mary's
13 County.

14 BY repealing and reenacting, with amendments,
15 Article – Correctional Services
16 Section 11–720
17 Annotated Code of Maryland
18 (2017 Replacement Volume)

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**

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 11-720.

2 (a) This section applies only in St. Mary's County.

3 (b) (1) The Sheriff may establish:

4 (i) a home detention program; [and]

5 (ii) a work release program;

6 **(III) A PRETRIAL RELEASE PROGRAM; AND**

7 **(IV) A PRERELEASE PROGRAM.**

8 (2) (i) If the Sheriff establishes a program under this section, the
9 Sheriff shall adopt regulations necessary to implement each program established.

10 (ii) If a condition that a court imposes on an inmate is inconsistent
11 with a regulation adopted under this subsection, the condition imposed by the court controls
12 as to that inmate.

13 (c) (1) At the time of sentencing or at any time during an individual's
14 confinement, the court may allow the individual to participate in any program established
15 under this section if the individual:

16 (i) is sentenced to the custody of the Sheriff; and

17 (ii) has no other charges for a felony or a violation of a crime of
18 violence as defined in § 14-101 of the Criminal Law Article pending in any jurisdiction.

19 (2) An inmate who is participating in any program established under this
20 section and who is sentenced to the St. Mary's County Detention **AND REHABILITATION**
21 Center may leave the detention center to:

22 (i) continue regular employment;

23 (ii) seek new employment; [or]

24 (iii) attend any court-ordered treatment appointments;

25 **(IV) RECEIVE INTENSIVE COUNSELING;**

26 **(V) OBTAIN ACADEMIC EDUCATION; OR**

27 **(VI) MAXIMIZE USE OF OTHER COMMUNITY RESOURCES OR**
28 **OTHER SIMILAR REHABILITATIVE ACTIVITIES.**

1 [(d) The Sheriff and the Board of County Commissioners of St. Mary's County may
2 charge an inmate participating in the work release program a reasonable monetary amount
3 or program participation fee to pay for the costs incurred by the county for providing the
4 inmate with food, lodging, and clothing.]

5 (D) (1) THE SHERIFF OR THE SHERIFF'S DESIGNEE SHALL COLLECT THE
6 EARNINGS OF AN INMATE PARTICIPATING IN A PROGRAM ESTABLISHED UNDER THIS
7 SECTION, LESS ANY PAYROLL DEDUCTION REQUIRED BY LAW.

8 (2) FROM THE EARNINGS OF THE INMATE, THE SHERIFF MAY
9 DEDUCT:

10 (I) THE AMOUNT DETERMINED TO BE THE COST TO THE
11 COUNTY OF PROVIDING FOOD, LODGING, CLOTHING, AND TRANSPORTATION FOR
12 THE INMATE;

13 (II) ACTUAL AND NECESSARY FOOD, TRAVEL, AND OTHER
14 EXPENSES INCIDENTAL TO THE INMATE'S PARTICIPATION IN THE PROGRAM;

15 (III) AN AMOUNT THE INMATE IS LEGALLY OBLIGATED OR
16 DESIRES TO PAY FOR THE SUPPORT OF A DEPENDENT;

17 (IV) IF APPLICABLE, A REASONABLE AMOUNT TO REPAY THE
18 STATE OR THE COUNTY FOR AN ATTORNEY APPOINTED BY THE COURT; AND

19 (V) COURT-ORDERED PAYMENTS FOR RESTITUTION.

20 (3) THE SHERIFF SHALL:

21 (I) CREDIT TO THE INMATE'S ACCOUNT ANY REMAINING
22 BALANCE; AND

23 (II) DISPOSE OF THE BALANCE IN THE INMATE'S ACCOUNT AS
24 THE INMATE REQUESTS AND THE SHERIFF APPROVES.

25 (e) (1) If an inmate violates a trust or a condition that a court or Sheriff has
26 established for participating in any program established under this section, the Sheriff or
27 the Sheriff's designee shall notify the court in writing of the violation.

28 (2) An inmate who violates a trust or a condition that a court or Sheriff has
29 established for participating in any program established under this section is subject to:

30 (i) removal from the program; and

1 (ii) cancellation of any earned diminution of the inmate's term of
2 confinement.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.