

Chapter 608

(House Bill 373)

AN ACT concerning

Cecil County – Home Detention and Release Programs

FOR the purpose of repealing provisions relating to a home detention program in Cecil County; authorizing the Sheriff of Cecil County to establish home detention, pretrial release, work release, and prerelease programs; requiring the Sheriff to adopt regulations necessary to implement the programs; providing that a certain condition imposed by a court supersedes a certain regulation under certain circumstances; authorizing a court to allow a certain individual to participate in a program established under this Act at a certain time; authorizing a certain inmate to leave the Community Corrections Center for certain purposes; authorizing the Sheriff to charge a certain inmate a certain fee for a certain purpose; requiring the Sheriff or the Sheriff’s designee to notify the court in writing of a certain violation; establishing certain penalties for a violation of a trust or condition established for participation in a certain program; defining certain terms; and generally relating to home detention, pretrial release, work release, and prerelease programs in Cecil County.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–709
Annotated Code of Maryland
(2017 Replacement Volume)

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

Article – Correctional Services

11–709.

(a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “SHERIFF” MEANS THE SHERIFF OF CECIL COUNTY.

(3) “WARDEN” MEANS THE WARDEN OF THE CECIL COUNTY COMMUNITY CORRECTIONS CENTER.

(B) This section applies only in Cecil County.

[(b) (1) The Sheriff shall:

- (i) establish and administer a home detention program; and
- (ii) adopt regulations to implement the program.

(2) (i) At the time of sentencing or at any time during an individual's confinement, the sentencing judge may place the individual in the home detention program.

(ii) The Sheriff may place an inmate in the home detention program at any time after the inmate has served 25% of the inmate's sentence.

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

- (i) is placed in the program by the sentencing judge or the Sheriff;
- (ii) has no other charges pending in any jurisdiction.

and

(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) The Sheriff shall:

- (i) determine the amount of a reasonable fee for the cost of electronic supervision, including the administrative costs associated with the supervision; and
- (ii) collect the fee from each inmate in the program.]

(C) (1) THE SHERIFF MAY ESTABLISH PROGRAMS FOR:

- (I) HOME DETENTION;**
- (II) PRETRIAL RELEASE;**
- (III) WORK RELEASE; AND**

(IV) PRERELEASE.

(2) (I) THE SHERIFF SHALL ADOPT REGULATIONS NECESSARY TO IMPLEMENT EACH PROGRAM ESTABLISHED UNDER THIS SECTION.

(II) IF A CONDITION THAT A COURT IMPOSES ON AN INMATE IS INCONSISTENT WITH A REGULATION ADOPTED UNDER THIS SUBSECTION, THE CONDITION IMPOSED BY THE COURT SUPERSEDES THE REGULATION.

(D) (1) AT THE TIME OF SENTENCING OR AT ANY TIME DURING AN INDIVIDUAL'S CONFINEMENT, THE COURT MAY ALLOW THE INDIVIDUAL TO PARTICIPATE IN A PROGRAM ESTABLISHED UNDER THIS SECTION IF THE INDIVIDUAL:

(I) IS SENTENCED TO THE CUSTODY OF THE WARDEN; AND

(II) HAS NO OTHER FELONY CHARGES PENDING IN ANY JURISDICTION.

(2) AN INMATE DESIGNATED TO PARTICIPATE IN A PROGRAM UNDER THIS SECTION MAY LEAVE THE COMMUNITY CORRECTIONS CENTER TO:

(I) CONTINUE REGULAR EMPLOYMENT;

(II) SEEK NEW EMPLOYMENT;

(III) ATTEND COURT-ORDERED TREATMENT APPOINTMENTS;

(IV) UNDERGO INTENSIVE COUNSELING;

(V) PURSUE ACADEMIC EDUCATION; OR

(VI) USE OTHER COMMUNITY RESOURCES OR PARTICIPATE IN OTHER ACTIVITIES FOR THE PURPOSE OF REHABILITATION.

(E) THE SHERIFF MAY CHARGE AN INMATE PARTICIPATING IN A PROGRAM ESTABLISHED UNDER THIS SECTION A REASONABLE PROGRAM PARTICIPATION FEE TO PAY FOR THE COSTS INCURRED BY THE COUNTY FOR THE MANAGEMENT AND ADMINISTRATION OF THE PROGRAM.

(F) (1) IF AN INMATE VIOLATES A TRUST OR A CONDITION THAT A COURT OR THE SHERIFF HAS ESTABLISHED FOR PARTICIPATING IN A PROGRAM UNDER THIS SECTION, THE SHERIFF OR THE SHERIFF'S DESIGNEE SHALL NOTIFY THE

COURT IN WRITING OF THE VIOLATION.

(2) AN INMATE WHO VIOLATES A TRUST OR CONDITION THAT A COURT OR THE SHERIFF HAS ESTABLISHED FOR PARTICIPATING IN A PROGRAM ESTABLISHED UNDER THIS SECTION IS SUBJECT TO:

(I) REMOVAL FROM THE PROGRAM; AND

(II) CANCELLATION OF ANY EARNED DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT.

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

Approved by the Governor, May 15, 2018.