

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1406
Judiciary

(Chair, Howard County Delegation)

Judicial Proceedings

Howard County - Department of Correction - Authority to Establish Programs
Ho. Co. 29-19

This bill authorizes the Howard County Department of Correction to establish and administer community service and pretrial services programs in the same manner as it is authorized to establish and administer a work release program.

Fiscal Summary

State Effect: None.

Local Effect: Howard County reports that the bill is not expected to materially affect overall county finances. The county estimates that the cost to hire three additional positions to operate a pretrial services program is \$216,000 annually; however, the county advises that it anticipates being able to cover those costs with existing/anticipated resources.

Small Business Effect: None.

Analysis

Current Law: The Howard County work release program is operated by the county Department of Correction. At the time of sentencing or at any time during an individual's confinement, the sentencing judge (or the court if the judge is unavailable) may allow an individual to participate in the work release program if the individual has been sentenced to the custody of the county Department of Correction and has no other charges pending in any jurisdiction for a crime of violence. If the department approves, an inmate in the custody of the Howard County Detention Center may leave the detention center to participate in the work release program. However, unless the court directs otherwise, an

inmate must be confined in the detention center when not participating in the work release program.

An inmate designed to participate in the work release program may continue regular employment or obtain new employment. An inmate employed while in the work release program must (1) reimburse the department the estimated cost of providing food and lodging to the inmate and the estimated expenses for the inmate's participation in the program and (2) pay to the director of the department court-ordered payments for restitution.

If an inmate is found to have violated a condition or provision of trust, the inmate is subject to removal from the work release program and cancellation of any earned diminution of the inmate's term of confinement.

An inmate employed in the community is not an agent or employee of Howard County, the director of the county Department of Correction, the court or any judicial officer, or any public officer of Howard County.

Section 14-101(a) of the Criminal Law Article defines a "crime of violence" as (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking (including armed carjacking); (11) first- and second-degree sexual offenses; (12) use of a firearm in the commission of a felony or other crime of violence, except possession with intent to distribute a controlled dangerous substance; (13) child abuse in the first degree; (14) sexual abuse of a minor younger than age 13 under specified circumstances; (15) home invasion; (16) an attempt to commit crimes (1) through (15); (17) continuing course of certain sexual conduct with a child; (18) assault in the first degree; and (19) assault with intent to murder, rape, rob, or commit a sexual offense in the first or second degree.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Howard County; Department of Legislative Services

Fiscal Note History: First Reader - March 25, 2019
sb/lgc Third Reader - April 5, 2019

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510