

Chapter 152

(House Bill 1406)

AN ACT concerning

Howard County – Department of Correction – Authority to Establish Programs

Ho. Co. 29–19

FOR the purpose of authorizing the Howard County Department of Correction to establish community service and pretrial services programs; authorizing a certain program to include a certain inmate’s participation in a certain program; authorizing the Director of the Howard County Department of Correction to adopt regulations relating to the operation of certain programs; authorizing a certain judge or court to allow a certain individual to participate in a certain program under certain circumstances; authorizing a certain inmate to leave the Howard County Detention Center under certain circumstances; authorizing a certain inmate to continue regular employment or obtain new employment; requiring that a certain inmate be confined to the Howard County Detention Center under certain circumstances; requiring a certain inmate to make certain payments; providing that a certain inmate is not an agent or employee of a certain entity; providing that a certain inmate is subject to removal from a certain program and cancellation of certain diminution credits; altering an incorrect reference; and generally relating to the Howard County Department of Correction.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–715
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Correctional Services

11–715.

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

(2) “Department” means the Howard County Department of Correction.

(3) “Director” means the Director of the Howard County Department of Correction.

(b) This section applies only in Howard County.

(c) (1) The Department may establish [a work release program] **PROGRAMS FOR:**

- (I) **WORK RELEASE;**
- (II) **COMMUNITY SERVICE; AND**
- (III) **PRETRIAL SERVICES.**

(2) [The work release] A program **ESTABLISHED UNDER THIS SECTION** may include an inmate's participation in a program of employment, rehabilitation, training, education, or home detention.

(3) The Director may adopt regulations relating to the operation of [the work release] A program **ESTABLISHED UNDER THIS SECTION.**

(d) (1) At the time of sentencing or at any time during an individual's confinement, the sentencing judge if available, or otherwise the court may allow an individual to participate in [the work release] A program **ESTABLISHED UNDER THIS SECTION** if the individual:

- (i) has been sentenced to the custody of the Department; and
- (ii) has no other charges pending in any jurisdiction for a crime of violence as defined under [§ 14-101(c)] **§ 14-101** of the Criminal Law Article.

(2) If the Department approves, an inmate in the custody of the Howard County Detention Center may leave the Center to participate in a [work release] program **ESTABLISHED UNDER THIS SECTION.**

(3) An inmate who has been designated to participate in a [work release] program **ESTABLISHED UNDER THIS SECTION** may:

- (i) continue regular employment; or
- (ii) obtain new employment.

(4) An inmate who has been sentenced to the custody of the Department shall be confined to the Howard County Detention Center:

- (i) except as provided in this section; or
- (ii) unless a court orders otherwise.

(e) An inmate who is employed while in a [work release] program **ESTABLISHED** under this section shall:

(1) reimburse the Department by paying a fee based on:

(i) the Department's estimated cost of providing food and lodging to the inmate; and

(ii) the estimated expenses incurred by the Department because of the inmate's participation in the [work release] program; and

(2) pay to the Director court-ordered payments for restitution.

(f) An inmate employed in the community under this section is not an agent or employee of the county, the Director, the court or any judicial officer, or any public officer of the county.

(g) An inmate who violates a condition or provision of trust that the court or the Department establishes is subject to:

(1) removal from the [work release] program; and

(2) 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, 2019.

Approved by the Governor, April 18, 2019.