Article - Correctional Services

§1–101.

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

(b) "Commissioner of Correction" means the Commissioner of the Division of Correction.

(c) "Comptroller" means the Comptroller of the State.

(d) "Correctional facility" means a facility that is operated for the purpose of detaining or confining adults who are charged with or found guilty of a crime.

(e) "County" means a county of the State and Baltimore City.

(f) "Department" means the Department of Public Safety and Correctional Services.

(g) "Division of Correction" means the Division of Correction in the Department of Public Safety and Correctional Services.

(h) "Division of Parole and Probation" means the Division of Parole and Probation in the Department of Public Safety and Correctional Services.

(i) "Inmate" means an individual who is actually or constructively detained or confined in a correctional facility.

(j) "Local correctional facility" means a correctional facility that is operated:

(1) by one or more counties; or

(2) by a municipal corporation.

(k) "Managing official" means the administrator, director, warden, superintendent, sheriff, or other individual responsible for the management of a correctional facility.

(l) "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, partnership, firm, association, corporation, or other entity.

(m) "Secretary" means the Secretary of Public Safety and Correctional Services.

(n) "State" means:

(1) a state, possession, territory, or commonwealth of the United States; or

(2) the District of Columbia.

(o) (1) "State correctional facility" means a correctional facility that is operated by the State.

(2) "State correctional facility" includes:

(i) the Patuxent Institution;

(ii) the Baltimore City Detention Center; and

(iii) the centralized booking facility in Baltimore City that is operated by the Division of Pretrial Detention and Services in the Department of Public Safety and Correctional Services.

(p) "Treasurer" means the Treasurer of the State.

§1–201.

A requirement in this article that a document be verified means that the document shall be verified by a declaration made under the penalties of perjury that the matters and facts contained in the document are true to the best of the knowledge, information, and belief of the individual making the declaration.

§2–101.

There is a Department of Public Safety and Correctional Services established as a principal department of the State government.

§2–102.

(a) (1) With the advice and consent of the Senate, the Governor shall appoint the Secretary of Public Safety and Correctional Services.

(2) The Secretary is the head of the Department.

(b) Before taking office, the appointee shall take the oath required by Article I, § 9 of the Maryland Constitution.

(c) (1) The Secretary serves at the pleasure of the Governor and is responsible directly to the Governor.

(2) The Secretary shall advise the Governor on all matters assigned to the Department and is responsible for carrying out the Governor's policies on public safety, crime prevention, correction, parole, and probation.

(d) The Secretary is entitled to the compensation provided in the State budget.

§2–103.

(a) The Secretary is responsible for the operation of the Department and shall establish guidelines and procedures to promote the orderly and efficient administration of the Department.

(b) The Secretary may establish, reorganize, or abolish areas of responsibility in the office of the Secretary as necessary to fulfill effectively the duties assigned to the Secretary.

§2–104.

The Secretary shall have a seal.

§2–105.

(a) With the approval of the Governor, the Secretary shall appoint two Deputy Secretaries.

(b) The Deputy Secretaries:

(1) serve at the pleasure of the Secretary; and

(2) are entitled to the compensation provided in the State budget.

(c) The Deputy Secretaries:

(1) shall assist the Secretary in administering the Department; and

(2) have the other duties provided by law or delegated by the Secretary.

(d) The Secretary shall designate a Deputy Secretary to be the acting Secretary when the Secretary is absent from the State or otherwise unavailable.

(e) If the Secretary is required by law to make an appointment, with the approval of the Governor, to a particular office within the Department and the appointee is required by law to serve at the pleasure of the Secretary, the Secretary may not remove the appointee without first obtaining the Governor's approval.

§2–106.

(a) In accordance with the State budget, the Secretary may employ a staff attached to the office of the Secretary.

(b) The Secretary may designate a staff assistant to be in charge of a particular area of responsibility in the office of the Secretary.

(c) (1) (i) The Secretary shall appoint each staff assistant in the office of the Secretary in charge of a particular area of responsibility and each professional consultant.

(ii) An employee specified in subparagraph (i) of this paragraph:

1. is in the executive service or management service of, or is a special appointment under, the State Personnel Management System; and

2. serves at the pleasure of the Secretary.

(2) Unless otherwise provided by law, the Secretary shall appoint and remove all other employees in the office of the Secretary in accordance with the provisions of the State Personnel and Pensions Article.

§2–107.

The Secretary may designate employees of the Department to serve a criminal summons, warrant, or charging document as provided in § 6-309 of the Courts Article.

§2–108.

(a) The appointment or removal of personnel by a unit or appointing officer in the Department is subject to the approval of the Secretary.

(b) The Secretary may delegate the power of approval established under subsection (a) of this section to the head or governing body of the unit.

§2–109.

(a) The Secretary shall adopt regulations for the office of the Secretary.

(b) (1) The Secretary shall review regulations proposed by a unit in the Department.

(2) The Secretary may approve, disapprove, or revise regulations proposed by a unit in the Department.

(c) (1) Except as provided in paragraph (2) of this subsection, the Secretary shall adopt regulations to govern the policies and management of correctional facilities in the Department in accordance with Title 10, Subtitle 1 of the State Government Article.

(2) Paragraph (1) of this subsection does not apply to a guideline pertaining to the routine internal management of correctional facilities in the Division of Correction.

(3) (i) Subject to subparagraph (ii) of this paragraph, the Secretary shall adopt regulations that provide for a requirement that:

1. a correctional officer hired on or after October 1, 2007, for employment in any unit of the Division of Correction shall be at least 21 years old; and

2. a correctional officer hired on or after October 1, 2008, for employment in any unit of the Division of Pretrial Detention and Services or the Patuxent Institution shall be at least 21 years old.

(ii) The regulations adopted under subparagraph (i) of this paragraph shall exempt any honorably discharged veteran or reserve member of the United States armed forces from the minimum age requirement.

§2–110.

The Secretary is responsible for the budget of the office of the Secretary and for the budget of each unit in the Department.

§2–111.

(a) The Secretary is responsible for planning activities of the Department.

(b) The Secretary may review and approve, disapprove, or revise the plans, proposals, and projects of units in the Department.

§2–112.

(a) The Secretary may authorize an evaluation or study of the operation and effectiveness of any unit in the Department.

(b) (1) The Secretary may make the records of any inmate or unit available to a person who is authorized to conduct an evaluation or study under subsection (a) of this section.

(2) A person who obtains a record as provided under this subsection may not transmit by any means the record or any information contained in the record to a person other than the Secretary.

(c) Except as provided in subsection (d) of this section, the evaluation or study shall be:

(1) reported to the Secretary; and

(2) released to the public by the Secretary.

(d) The evaluation or study may not contain the name of an inmate unless the inmate and the Secretary consent.

§2–113.

(a) Except as provided in subsection (b) of this section, the Secretary, or the Deputy Secretary with the approval of the Secretary, may exercise any power, duty, responsibility, or function of any unit, unit head, or appointing officer in the Department.

(b) The Secretary or the Deputy Secretary may not exercise a power, duty, responsibility, or function that is set forth in:

(1) §§ 7–204(b)(2), 7–205(a), and 7–401 of this article; or

(2) Title 10, Subtitle 3 of this article.

§2–113.1.

(a) The Secretary may subpoena, administer an oath to, and examine under oath any person if the Secretary considers it necessary for the effective administration of the Secretary's duties.

(b) A person who fails to appear before the Secretary or refuses to testify when subpoenaed under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

(c) A person who makes a false statement under oath before the Secretary is guilty of perjury and on conviction is subject to the penalty provided under § 9–101 of the Criminal Law Article.

§2–114.

(a) To increase efficiency and economy, the Secretary may transfer, assign, or reassign any function, activity, or staff, and the associated funds and equipment, from a unit in the Department to another unit in the Department.

(b) (1) A transfer authorized by this section shall be made in accordance with the State Personnel and Pensions Article and the State Finance and Procurement Article.

(2) Except for a warden, assistant warden, or a chief of security of a State correctional facility, an employee of the Department may not be transferred or reassigned involuntarily to a work site that is more than 50 miles from the work site to which the employee previously was assigned.

(c) (1) If the transfer of a function or activity under this section renders the name of a unit in the Department misleading or inadequate, the Secretary may, with the Governor's approval, rename the affected unit.

(2) If the Secretary renames a unit as provided under paragraph (1) of this subsection, the Secretary shall submit legislation during the next session of the General Assembly to make any necessary conforming changes to the Code.

§2–115.

In addition to any advisory boards established by law, the Secretary, with the approval of the Governor, may create advisory units or use as an advisory unit any existing commission established by executive order.

§2–116.

(a) This section does not apply to a unit in the Department to the extent that the unit is authorized by law to employ its own legal adviser or counsel.

(b) The Attorney General is the legal adviser to the Department.

(c) The Attorney General shall assign to the Department the number of assistant Attorneys General that are authorized by law for the Department and its units.

(d) (1) The Attorney General shall designate one of the assistant Attorneys General assigned to the Department as counsel to the Department and may not reassign that individual without consulting with the Secretary.

(2) The counsel may have no duty other than to give the legal aid, advice, and counsel required by the Secretary or any other official of the Department, to supervise the other assistant Attorneys General assigned to the Department, and to perform for the Department the duties that the Attorney General assigns.

(3) The counsel shall perform the duties specified in paragraph (2) of this subsection subject to the control and discretion of the Attorney General.

§2–117.

With the approval of the Secretary, the care, control, or supervision of an individual in a State correctional facility, on parole, or on mandatory supervision may be assigned to any employee of the Department who has proper certification from the Maryland Correctional Training Commission.

§2–118.

(a) This section applies to inmates in a State correctional facility.

(b) (1) Except as provided in paragraph (2) of this subsection, the Secretary shall assess a reasonable fee not to exceed $4 for each visit by an inmate to a medical unit, physician, dentist, or optometrist for health care services.

(2) The Secretary may not assess a fee for health care services that are:

(i) required as a part of the intake process;

(ii) required for an initial physical examination;

(iii) due to a referral by a nurse or physician's assistant;

(iv) provided during a follow-up visit that is initiated by a medical professional from the correctional facility;

(v) required for necessary treatment; or

(vi) initiated by a medical or mental health staff member of the correctional facility.

(c) The Secretary shall adopt regulations to implement and collect the fees required by this section.

§2–201.

The following units are in the Department:

(1) the Division of Correction;

(2) the Division of Parole and Probation;

(3) the Division of Pretrial Detention and Services;

(4) the Patuxent Institution;

(5) the Board of Review for Patuxent Institution;

(6) the Maryland Commission on Correctional Standards;

(7) the Correctional Training Commission;

(8) the Maryland Police Training and Standards Commission;

(9) the Maryland Parole Commission;

(10) the Emergency Number Systems Board;

(11) the Sundry Claims Board;

(12) the Inmate Grievance Office; and

(13) any other unit that by law is declared to be part of the Department.

§2–401.

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

(b) (1) "Correctional unit" means a unit of Maryland State or local government that is directly responsible for the care, custody, and control of individuals committed to the custody of the unit for the commission or alleged commission of a crime or an act that would be a crime if committed by an adult.

(2) "Correctional unit" includes:

(i) the Department of Public Safety and Correctional Services;

(ii) the Department of Juvenile Services; and

(iii) the office of the sheriff of a county or other unit of government with responsibility for operating a local correctional facility or county detention center.

(c) "Mutual aid agreement" means a written agreement to establish and carry out a plan to assist in providing temporary services to alleviate an emergency situation at a facility operated by a correctional unit.

§2–402.

This subtitle shall be liberally construed in order to effect its purpose to provide mutual aid to a correctional unit during a time of need.

§2–403.

(a) A correctional unit may enter into or renew a mutual aid agreement with any other correctional unit in accordance with this section.

(b) (1) Subject to paragraph (2) of this subsection, a mutual aid agreement may provide that a party that requests assistance under the mutual aid agreement indemnifies and holds harmless a party that provides assistance under the mutual aid agreement from any claim by a third party for property damage, personal injury, or wrongful death that arises out of the mutual aid activities, including travel, of the party that provides assistance outside of the party's own jurisdiction.

(2) The party that requests assistance need not indemnify the party that provides assistance if:

(i) the party that provides assistance does not cooperate in defending against a claim made by a third party; or

(ii) the claim by a third party arises out of a malicious act of the party that provides assistance.

(c) Each mutual aid agreement shall provide that each party to the mutual aid agreement shall waive any and all claims against all other parties to the mutual aid agreement if the claim arises out of the activities of a party that occur outside its own jurisdiction under the mutual aid agreement.

§2–404.

At the request of the Secretary of Public Safety and Correctional Services, the Secretary of Juvenile Services, or the head of any correctional unit, a staff person of a correctional unit who has been trained and certified by the Correctional Training Commission in the care, custody, and control of individuals may function at the location in need under a mutual aid agreement.

§2–405.

For the purpose of a workers' compensation law or benefit or other law or benefit that would apply or accrue to an individual who is performing a service anywhere for a correctional unit under a mutual aid agreement, the individual is considered to have performed that service in the course of employment and in the line of duty.

§2–406.

Necessary expenditures for the purposes of this subtitle shall be made out of any State or local appropriations usually available to a correctional unit.

§3–101.

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

(b) "Commissioner" means the Commissioner of Correction.

(c) "Division" means the Division of Correction.

§3–201.

There is a Division of Correction in the Department.

§3–202.

(a) With approval of the Governor and the advice and consent of the Senate, the Secretary shall appoint the Commissioner of Correction.

(b) The Commissioner shall be an individual with maturity and judgment who has:

(1) broad knowledge of correctional facilities and systems; and

(2) knowledge of correctional procedures and methods, correctional theories, institutional operations, and the psychology of inmates.

(c) The Commissioner serves at the pleasure of the Secretary.

(d) Before taking office, the appointee shall take the oath required by Article I, § 9 of the Maryland Constitution.

(e) The Commissioner is entitled to the compensation provided in the State budget.

§3–203.

(a) Subject to the authority vested in the Secretary by law, the Commissioner is in charge of the Division and its units.

(b) The Commissioner is responsible to the Secretary and the Governor for the operation and conduct of the Division.

§3–205.

(a) The Commissioner may adopt regulations for the operation and maintenance of the units in the Division.

(b) The regulations shall provide for:

(1) the discipline and conduct of inmates, including the character of punishments for violations of discipline; and

(2) the duties, discipline, and conduct of officers and other employees of the units in the Division.

(c) The regulations may allow inmates of minimum security institutions to provide services voluntarily to:

(1) governmental units; or

(2) charitable organizations as defined in § 6-101 of the Business Regulation Article.

§3–206.

(a) On or before July 30 of each year, the Commissioner shall submit to the Secretary an accurate, detailed statement of all receipts and disbursements of the Division during the year that ended on the preceding June 30.

(b) The Commissioner shall verify the statement submitted under subsection (a) of this section.

(c) The Secretary shall submit the statement received under subsection (a) of this section to the Comptroller.

§3–207.

(a) On or before October 31 of each year, the Commissioner shall submit an annual report to the Secretary and the Governor that states, for each correctional facility in the Division:

(1) its expenses, receipts, disbursements, condition, and progress;

(2) the number of inmates and each inmate's age, sex, race, place of birth and conviction, crime, and term of confinement;

(3) the number of inmates who escape, are pardoned, or discharged;

(4) the job classifications for inmate labor in each department and facility under the authority of the Division;

(5) the daily wage scale at each prison for each job classification under the authority of the Division;

(6) the total number of inmates currently employed at facilities under the authority of the Division, disaggregated by facility; and

(7) any remarks and suggestions the Commissioner considers necessary to advance the interests of the correctional facility.

(b) The Commissioner shall submit with the report required by subsection (a) of this section a statement similar to the statement that is required to be submitted under § 3–206 of this subtitle.

(c) The Commissioner shall verify the report and statement required by this section.

(d) Subject to § 2–1257 of the State Government Article, the Governor shall submit to the General Assembly the report and statement required under this section and any recommendations that the Governor considers expedient.

§3–207.1.

(a) On or before October 31, 2017, and on or before October 31 in every odd–numbered year thereafter, the Commissioner shall submit a security and staffing report covering the prior 2–year period to the Secretary, the Governor, and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(b) The report shall be based on a joint survey conducted by the administration of the Division of Correction and the exclusive collective bargaining representative of the employees.

(c) The report shall include:

(1) a post–by–post analysis that identifies the actual number of positions needed to safely and securely staff each institution;

(2) the amount of overtime currently being used to meet minimum standards;

(3) an accounting of all institution activities that have been impacted by staffing levels;

(4) an assessment of expected future turnover in personnel; and

(5) an analysis of the need for additional staff.

§3–208.

(a) The Commissioner shall appoint a Deputy Commissioner.

(b) The Deputy Commissioner is in the executive service of the State Personnel Management System and serves at the pleasure of the Commissioner.

(c) The Deputy Commissioner shall have executive experience in and adequate knowledge of:

(1) correctional facilities and systems; and

(2) inmate programs.

§3–209.

(a) Subject to the policies established by the Commissioner, the Deputy Commissioner is generally in charge of administrative procedures in the Division.

(b) In the absence of the Commissioner, the Deputy Commissioner shall be acting Commissioner.

§3–210.

(a) The Commissioner shall appoint a warden or administrator for each correctional facility in the Division.

(b) A warden or administrator shall have executive experience and adequate knowledge of correctional facilities and systems.

(c) A warden or administrator serves at the pleasure of the Commissioner.

§3–211.

(a) Subject to policies established by the Commissioner, each warden or administrator is in direct charge of the correctional facility to which the warden or administrator is appointed.

(b) The warden or administrator shall:

(1) supervise the government, discipline, and policy of the correctional facility;

(2) direct the administering of punishment prescribed by the Commissioner under § 3-205(b)(1) of this subtitle; and

(3) enforce the regulations and directives of the Division.

§3–212.

(a) On or before September 30 of each year, each warden shall submit to the Commissioner a report and statement on the affairs of the correctional facility to which the warden is appointed.

(b) (1) The report shall include the information required under § 3-207(a) of this subtitle as it relates to the correctional facility.

(2) The statement shall include the information required under § 3-207(b) of this subtitle as it relates to the correctional facility.

(c) The report and statement required by this section shall be verified by the warden of the correctional facility that is the subject of the report.

§3–213.

(a) The Commissioner may appoint one or more assistant wardens for a correctional facility.

(b) An assistant warden shall have the same qualifications as a warden.

(c) An assistant warden serves at the pleasure of the Commissioner.

(d) An assistant warden shall perform the duties of the warden in the absence of the warden.

§3–214.

(a) (1) The warden of a correctional facility or designee of the warden may issue a retake warrant for the apprehension and return of an escapee.

(2) The warden shall submit a copy of each retake warrant to the State's Attorney for the county in which the correctional facility from which the escape was made is located.

(b) (1) A sheriff or a police officer who is authorized to serve criminal process and who receives a retake warrant issued under subsection (a) of this section shall execute the warrant in accordance with the directions in the warrant.

(2) A sheriff or police officer who makes an arrest under this subsection shall promptly notify the Division of the arrest.

§3–215.

(a) In accordance with the State budget, the Division may appoint officers and other employees as necessary to operate the Division and its units efficiently and effectively.

(b) (1) Except as otherwise provided in this subtitle, all officers and other employees of the Division shall be appointed and removed in accordance with the provisions of the State Personnel and Pensions Article.

(2) The following positions are in the executive service, the management service, or are special appointments of the skilled service or the professional service in the State Personnel Management System:

(i) Commissioner;

(ii) Deputy Commissioner;

(iii) Assistant Commissioner;

(iv) industries general manager;

(v) warden;

(vi) facility administrator; and

(vii) assistant warden.

(3) (i) The warden of a correctional facility is the appointing officer for the officers and other employees of that facility.

(ii) The Commissioner is the appointing officer for the other officers and employees in the Division.

(c) The Division may provide a dwelling for a warden.

(d) A warden may not receive any compensation or perquisite other than:

(1) the compensation and reimbursement provided under subsection (e) of this section; and

(2) if provided under subsection (c) of this section, a dwelling.

(e) (1) Officers and other employees are entitled to:

(i) compensation as provided in the State budget; and

(ii) reimbursement for expenses in accordance with the Standard State Travel Regulations.

(2) Officers and other employees working 40 hours or more per week in a correctional facility are entitled to one free meal per shift as provided in the State budget.

(f) (1) The Secretary shall require an individual to pass a polygraph examination before being appointed to serve as a correctional officer in a correctional facility.

(2) The Secretary shall adopt regulations governing the administration of the polygraph examination required under paragraph (1) of this subsection.

§3–216.

(a) The Commissioner shall designate correctional officers employed in each correctional facility in the Division who have the power to make arrests under § 2–207 of the Criminal Procedure Article.

(b) A correctional officer who is authorized to make arrests under § 2–207 of the Criminal Procedure Article shall:

(1) meet the minimum qualifications required by the Maryland Police Training and Standards Commission; and

(2) complete satisfactorily the training prescribed by the Maryland Police Training and Standards Commission.

§3–217.

(a) (1) The Governor may require the Commissioner to execute a surety bond in an amount that the Governor establishes.

(2) The Commissioner may require any officer or other employee of the Division to execute a surety bond in the amount that the Commissioner, with the approval of the Comptroller, establishes.

(3) The bond shall be conditioned on the individual faithfully performing the duties of office and accounting for all funds officially received.

(b) (1) The surety bond for the Commissioner shall be issued by a corporate surety approved by the Governor.

(2) The surety bond for any officer or other employee of the Division shall be issued by a corporate surety approved by the Commissioner and the Comptroller.

(c) The premium for a surety bond issued under this section shall be paid by the Division.

(d) An individual who fails to provide or maintain a surety bond as required by this section:

(1) may not assume the duties of the individual's position; and

(2) after 30 days, forfeits the individual's office or employment.

§3–218.

(a) An officer or other employee of the Division may not:

(1) accept a reward or gift, or a promise of a reward or gift, from an inmate in a correctional facility in the Division or from a person on behalf of an inmate;

(2) receive a devise or bequest, or a promise of a devise or bequest, from an inmate in a correctional facility in the Division or from a person on behalf of an inmate; or

(3) enter into a contract with an inmate in a correctional facility in the Division or with a person on behalf of an inmate.

(b) A gift, reward, bequest, devise, promise, or contract accepted, received, or entered into in violation of this section is void.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

§3–219.

(a) The Division may acquire property by contract, purchase, or other means as required for the Division's use and for the use of its units.

(b) The Division may sell, dispose of, or otherwise convey any property as appropriate to the needs of the Division and its units.

(c) The Division holds title to and has possession of all property previously acquired by the former Department of Correction or any unit of that Department.

(d) The Division holds title to and has possession of property as a trustee of the State.

(e) The Division's custody, use, acquisition, and conveyance of property are subject generally to the powers and functions of the Board of Public Works.

§3–220.

(a) The Division controls the financial affairs of each unit in the Division.

(b) A bill or account against a unit may not be paid unless it is approved by the Division.

§3–221.

(a) The Division may apply for and receive funds or property in the form of a grant or loan from the federal government or a unit of the federal government to establish or maintain correctional facilities in the Division on the terms that the Division approves.

(b) The Division may not apply for a grant or loan under this section if there is a requirement to apply any of the funds or property in contravention of any provision of State law relating to correctional facilities in the Division.

(c) The Division may not accept a loan under this section unless the Division has obtained any approval required by law.

(d) The repayment of a loan with interest, if any, shall be made from funds appropriated to the Division in the State budget.

§3–222.

The expenses relating to guarding, lodging, feeding, clothing, and caring for an inmate who has been sentenced to the jurisdiction of the Division of Correction may not be assessed against, billed to, or paid by a county.

§3–301.

The Commissioner may operate a prerelease unit for women.

§3–302.

The Commissioner has the same powers and duties relating to a prerelease unit for women as the Commissioner has for any other correctional facility in the Division.

§3–303.

(a) The Commissioner shall:

(1) develop comprehensive rehabilitative prerelease services; and

(2) make these services available to inmates of a prerelease unit for women.

(b) The comprehensive rehabilitative prerelease services shall:

(1) assist inmates in improving their education, upgrading vocational skills, and obtaining suitable employment;

(2) provide inmates with the opportunity to strengthen family and community relationships through extended family leave;

(3) assist inmates in improving their physical and mental health and reducing any tendency to abuse alcohol or drugs; and

(4) provide appropriate counseling, instruction, supervision, and medical and psychological treatment as necessary to help inmates achieve stable and productive roles in society.

§3–304.

(a) By contract or purchase of service agreement, the Division may arrange for a person or governmental unit to provide comprehensive rehabilitative prerelease services in a prerelease unit for women.

(b) With the Secretary's approval, the Commissioner may contract with a person or a municipal or county authority to provide food, housing, transportation, and programs to inmates in a prerelease unit for women.

(c) Under a contract with the federal government, the Commissioner may house federal inmates in a prerelease unit for women.

§3–305.

(a) Subject to regulations adopted by the Commissioner, the Commissioner may delegate to the facility administrator of a prerelease unit for women the authority to grant inmates the privilege of leaving the confines of the unit for the purpose of:

(1) engaging in or seeking employment;

(2) participating in educational programs or vocational training;

(3) participating in community or civic activities;

(4) participating in volunteer work;

(5) participating in athletic competition; or

(6) making personal or family visits.

(b) When outside the confines of a prerelease unit for women, an inmate shall carry, at all times, a copy of the form signed by the facility administrator containing the conditions governing the grant of leave.

(c) (1) An inmate who is on leave is deemed to be in the custody of the Commissioner to the same extent and subject to the same supervision and control as an inmate who is actually in confinement.

(2) An inmate who escapes while on leave under this section is subject to the penalties in § 9-404 of the Criminal Law Article.

§3–401.

In this subtitle, "program" means a home detention program established under this subtitle.

§3–402.

With the Secretary's approval, the Commissioner may establish a home detention program under which an inmate in the custody of the Commissioner may live in a private dwelling that the Commissioner or the Commissioner's designee approves.

§3–403.

An inmate in the program shall be supervised by means of:

(1) electronic devices; and

(2) direct contact by employees of the Division.

§3–404.

An inmate is not eligible for the program if the inmate:

(1) is serving a life sentence;

(2) has been found guilty of a crime of violence as defined in § 14-101 of the Criminal Law Article unless:

(i) 5 years have elapsed since expiration of the sentence for the crime of violence; or

(ii) the inmate is within 90 days of release on parole or mandatory supervision; or

(3) has been found guilty of the crime of:

(i) child abuse under § 3-601 or § 3-602 of the Criminal Law Article; or

(ii) escape under § 9-404 of the Criminal Law Article.

§3–405.

An inmate may be placed in the program if:

(1) the inmate agrees to waive the inmate's right to contest extradition;

(2) the Commissioner or the Commissioner's designee approves the placement; and

(3) the inmate has served any statutorily imposed minimum sentence, less the allowances for diminution of the inmate's term of confinement provided under Subtitle 7 of this title and § 6-218 of the Criminal Procedure Article.

§3–406.

While in the program, an inmate must remain in the inmate's approved dwelling except:

(1) with the approval of the program administrator, to go directly to and from:

(i) the inmate's approved place of employment;

(ii) medical or mental health treatment; or

(iii) offices of the Department;

(2) as required by legitimate medical or other emergencies; or

(3) as otherwise allowed or directed by the program administrator.

§3–407.

(a) An inmate in the program is responsible for all of the inmate's living expenses, including those for food, clothing, shelter, and utilities.

(b) Unless otherwise allowed by the Commissioner or the Commissioner's designee, as a condition of participation in the program, an inmate shall make any court ordered payments for the support of dependents.

§3–408.

(a) To satisfy court ordered restitution that an inmate in the program owes, the Division shall:

(1) determine the amount of reasonable payments; and

(2) collect and disburse the payments.

(b) (1) The Division shall establish a reasonable fee for the cost of electronic supervision and, except as provided in paragraph (2) of this subsection, collect the fee from each inmate in the program.

(2) If the Division determines that an inmate cannot afford to pay the fee established under paragraph (1) of this subsection, the Division may exempt the inmate wholly or partly from the fee.

§3–409.

(a) (1) An inmate who willfully violates the conditions of the inmate's placement in the program is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year.

(2) Notwithstanding § 9-104 of this article, a sentence under this subsection may be to the jurisdiction of the Division.

(b) Commission of any crime by an inmate constitutes a violation of the conditions of the inmate's placement in the program.

(c) An inmate who knowingly violates § 3-406 of this subtitle is guilty of escape and on conviction is subject to the penalties of § 9-404 of the Criminal Law Article.

§3–410.

An inmate in the program is not an agent or employee of the Division.

§3–411.

An inmate's participation in the program does not affect the inmate's eligibility for parole, diminution credits, or other privileges available by law to inmates in the custody of the Commissioner.

§3–412.

(a) The Commissioner shall employ correctional employees to monitor and provide security for inmates in the program.

(b) A correctional employee designated to monitor inmates in the program may:

(1) obtain and execute search warrants as authorized under § 3–415 of this subtitle; and

(2) make arrests as authorized under § 2–207 of the Criminal Procedure Article.

(c) A correctional employee authorized to make arrests under this section shall:

(1) meet the minimum qualifications required by the Maryland Police Training and Standards Commission; and

(2) complete satisfactorily the training prescribed by the Maryland Police Training and Standards Commission.

§3–413.

The Commissioner or the Commissioner's designee may remove an inmate from the program at any time and for any reason.

§3–414. IN EFFECT

(a) With the Secretary's approval, the Commissioner shall adopt regulations to implement the program.

(b) Notwithstanding § 10–101(h)(2)(i) of the State Government Article, the regulations shall be adopted in accordance with the requirements of Title 10, Subtitle 1 of the State Government Article.

§3–414. ** TAKES EFFECT OCTOBER 1, 2021 PER CHAPTER 8 OF 2019 **

(a) With the Secretary's approval, the Commissioner shall adopt regulations to implement the program.

(b) Notwithstanding § 10–101(g)(2)(i) of the State Government Article, the regulations shall be adopted in accordance with the requirements of Title 10, Subtitle 1 of the State Government Article.

§3–415.

(a) The Commissioner or the Commissioner's designee may apply to a judge of the District Court or a circuit court for a search warrant to enter the approved dwelling of an inmate in the program to search for the inmate.

(b) An application for a search warrant shall:

(1) be in writing;

(2) be verified by the applicant; and

(3) describe the premises to be searched and the nature, scope, and purpose of the search.

(c) A judge who receives an application for a search warrant may issue a warrant on a finding that:

(1) the scope of the proposed search is reasonable; and

(2) obtaining consent to enter the premises may jeopardize the attempt to take custody of the inmate.

(d) (1) A search warrant issued under this section shall specify the location of the premises to be searched.

(2) A search conducted in accordance with a search warrant issued under this section may not exceed the limits specified in the warrant.

(e) A search warrant issued under this section shall be executed and returned to the issuing judge:

(1) within the period specified in the warrant, which may not exceed 30 days from the date of issuance; or

(2) within 15 days after the warrant is issued, if no period is specified in the warrant.

§3–501.

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

(b) "Chief Executive Officer" means the Chief Executive Officer of Maryland Correctional Enterprises.

(c) "Contracting unit" means a unit of State government that is:

(1) authorized to contract for goods and services; or

(2) responsible for procurement of goods and services.

(d) "Management Council" means the Maryland Correctional Enterprises Management Council.

(e) "Political subdivision" means a county, municipal corporation, or special taxing district.

§3–502.

The purpose of this subtitle is to establish a Maryland Correctional Enterprises organization in the Division that:

(1) is financially self-supporting, generates revenue for its operations and capital investments, and reimburses the Division at a reasonable rate for services exchanged between the Division and Maryland Correctional Enterprises;

(2) provides meaningful work experiences for inmates that are intended to allow inmates to improve work habits, attitudes, and skills for the purpose of improving the employability of the inmates on release;

(3) seeks to develop industries that provide full-time work experience or rehabilitation programs for all eligible inmates;

(4) operates correctional industries in an environment that resembles as closely as possible the environment of private sector business operations; and

(5) makes the Division responsible for and accountable to the Secretary and the Governor for the Maryland Correctional Enterprises program.

§3–503.

There is a Maryland Correctional Enterprises organization in the Division.

§3–504.

The Division may exercise any authority necessary to perform properly any of its duties or functions under this subtitle.

§3–505.

The Secretary shall appoint a Chief Executive Officer with the approval of the Management Council.

§3–506.

(a) (1) The Chief Executive Officer:

(i) shall determine the personnel requirements of Maryland Correctional Enterprises;

(ii) is the appointing authority for all personnel of Maryland Correctional Enterprises; and

(iii) may hire individuals and inmates consistent with existing policies and procedures of Maryland Correctional Enterprises as of July 1, 2012.

(2) The number of positions for Maryland Correctional Enterprises shall be included within the total personnel allocations provided for the Department.

(b) Special appointment positions in Maryland Correctional Enterprises are managerial, supervisory, and confidential positions.

§3–507.

(a) The Department shall include the budget for Maryland Correctional Enterprises in the Department's budget.

(b) (1) Maryland Correctional Enterprises may establish a revolving fund to contain an amount that the Treasurer approves.

(2) (i) Subject to the provisions of subparagraph (ii) of this paragraph, the revolving fund may be used for general operating expenses and the purchase of capital assets.

(ii) The revolving fund may be used to provide financial assistance, up to $250,000 in a fiscal year, to the Division of Correction to establish and operate employment readiness training programs and transitional services to rehabilitate inmates currently or previously employed by Maryland Correctional Enterprises.

(3) The revolving fund established under paragraph (1) of this subsection is not subject to § 7–302 of the State Finance and Procurement Article.

(4) Maryland Correctional Enterprises shall submit an annual statement to the Comptroller and the Treasurer that provides an accurate and detailed accounting of all receipts and disbursements from the revolving fund.

(c) General Fund money may be appropriated to Maryland Correctional Enterprises to be used for the direct expenses of training inmates.

§3–508.

(a) The Division shall:

(1) formulate an accounting and record system that at all times indicates the source, nature, and extent of purchases and sales of Maryland Correctional Enterprises; and

(2) maintain accounting records and prepare financial statements in accordance with generally accepted accounting principles for enterprise fund type activities.

(b) The financial statements required under subsection (a)(2) of this section shall be prepared and available for audit purposes not later than 60 days after the close of each fiscal year.

§3–509.

(a) Annually, the Division shall submit a complete financial and operational report of Maryland Correctional Enterprises and the Maryland Correctional Enterprises revolving fund to:

(1) the Governor;

(2) the Secretary; and

(3) the Secretary of Budget and Management.

(b) The report required under subsection (a) of this section shall:

(1) be in the same general form as a report by the Division on its operations and programs;

(2) include information about present and projected personnel and compensation requirements of Maryland Correctional Enterprises;

(3) list the job classifications for inmate labor in each department and facility under the authority of Maryland Correctional Enterprises;

(4) list the daily wage scale at each prison for each job classification under the authority of Maryland Correctional Enterprises; and

(5) list the total number of inmates currently employed at facilities under the authority of Maryland Correctional Enterprises, disaggregated by facility.

(c) The Governor, the Secretary, and the Secretary of Budget and Management may include data from the report submitted under this section in the preparation of the budget and capital improvement bill.

§3–511.

(a) The Commissioner and the Chief Executive Officer may develop programs to provide services or produce goods used by:

(1) units of State government;

(2) political subdivisions of the State;

(3) units of the federal government;

(4) units of other states; or

(5) political subdivisions of other states.

(b) (1) The Commissioner and the Chief Executive Officer, with the approval of the Secretary, may develop training programs to provide construction and construction–related services, as defined in Title 11, Subtitle 1 of the State Finance and Procurement Article, for State correctional facilities.

(2) The training programs will be developed in consultation with the Maryland and District of Columbia Building Trades Councils.

(3) The programs established under paragraph (1) of this subsection are not subject to:

(i) the provisions of § 3–515 of this subtitle; or

(ii) except for § 11–101 of the State Finance and Procurement Article, the provisions of Division II of the State Finance and Procurement Article.

(4) A construction project under paragraph (1) of this subsection may not exceed $500,000 in total costs per unrelated project as determined by the Secretary.

(c) (1) In this subsection, "personal information" means an individual's:

(i) Social Security number; or

(ii) credit card or financial information.

(2) A program may not allow an inmate to have access to the personal information of another.

§3–512.

(a) In accordance with subsection (b) of this section and after consulting with the Department of General Services, other contracting units, and political subdivisions, the Division and Maryland Correctional Enterprises shall establish uniform standards for quality, quantity, style, design, delivery, scheduling, and pricing.

(b) (1) The uniform standards developed under subsection (a) of this section shall be designed to reflect planned and forecasted product lines and production operations of Maryland Correctional Enterprises, commensurate with the production ability of Maryland Correctional Enterprises.

(2) After review by the Management Council, Maryland Correctional Enterprises shall send the standards to the appropriate contracting units for inclusion in annual goods and service procurement contracts.

§3–513.

(a) In accordance with subsection (b)(1) of this section, the Commissioner and Chief Executive Officer shall develop programs to provide inmates with occupational experience to complement personnel development plans of the State Department of Education and other units of State government serving inmates in the Division.

(b) (1) In establishing programs required under subsection (a) of this section, the Commissioner and Chief Executive Officer shall consult with:

(i) the Assistant Secretary for the Division of Employment and Training, Maryland Department of Labor;

(ii) the Assistant State Superintendent for the Division of Career Technology and Adult Learning, State Department of Education;

(iii) the Commissioner of the Division of Labor and Industry, Maryland Department of Labor; and

(iv) the Director of the Correctional Education Program, State Department of Education.

(2) The individuals listed in paragraph (1) of this subsection shall provide appropriate assistance to the Commissioner and Chief Executive Officer in carrying out this section.

§3–514.

(a) The Commissioner and Chief Executive Officer shall establish the compensation rate for inmate labor in Maryland Correctional Enterprises, taking into consideration other wage payments and incentives in other programs.

(b) After review by the Management Council, and after consideration of any recommendation by the Chief Executive Officer, the Commissioner shall adopt regulations in accordance with Title 10, Subtitle 1 of the State Government Article that govern the method and time of compensation payments.

§3–515.

(a) A unit of State government shall purchase from Maryland Correctional Enterprises any goods or services that are available from Maryland Correctional Enterprises and that Maryland Correctional Enterprises can provide at a price not exceeding the prevailing average market price as determined by the Department of General Services.

(b) (1) The contracting unit shall inform each unit of State government for which it procures goods or services within 60 days after the award of a contract.

(2) Quarterly, each unit that requires goods or services for its operations shall inform Maryland Correctional Enterprises of its anticipated orders during the next 3–month period.

(3) If Maryland Correctional Enterprises is unable to provide any of the goods or services under the contract, Maryland Correctional Enterprises shall notify the contracting unit so that appropriate alternative action may be taken to meet the needs of units of State government for which the contracting unit procures goods or services.

(c) The Board of Public Works:

(1) shall suspend the application of subsection (a) of this section if the Board of Public Works finds that the purposes of Division II of the State Finance and Procurement Article are being unduly eroded due to the volume and scope of activities and sales by Maryland Correctional Enterprises; and

(2) may suspend the application of subsection (a) of this section for data entry services that involve information that is protected from disclosure under Title 4 of the General Provisions Article.

§3–516.

(a) Except as authorized under subsection (b) of this section, goods and services of Maryland Correctional Enterprises may not be sold on the open market.

(b) Goods and services of Maryland Correctional Enterprises may be sold on the open market:

(1) if they are produced or provided by an individual on parole or in a work release program;

(2) if the sale is made to a charitable, civic, educational, fraternal, or religious agency, association, or institution for its own use and not for resale within 1 year of the purchase;

(3) to a person for national defense purposes if not prohibited by an act of Congress;

(4) if they are surplus goods remaining after meeting the forecasted requirements of units of State government and political subdivisions and the goods remain unsold 1 year after being produced;

(5) for use by a contractor or subcontractor in performance of a contract with a unit of State government or any other governmental unit in the State;

(6) as allowed under the Private Sector/Prison Industry Enhancement Certification Program of the United States Department of Justice, Bureau of Justice Assistance; or

(7) if they are related to the preparation or distribution of food or services related to agriculture or seafood processing, when the following conditions are met:

(i) the State labor pools are diminished; and

(ii) it has been determined that inmate labor is the available source.

(c) (1) The Secretary and the Secretary of Labor shall adopt regulations that specify how to determine the need for inmate labor under subsection (b)(7) of this section.

(2) Wages paid to inmates under subsection (b)(7) of this section may not be less than wages paid for similar work in the private sector of the same locality as determined by the Secretary of Labor.

(3) Inmate labor under subsection (b)(7) of this section applies only to inmates at the minimum, prerelease, and work release security levels.

§3–517.

There is a Maryland Correctional Enterprises Management Council in the Division.

§3–518.

(a) The Management Council consists of the following 15 members:

(1) the Commissioner;

(2) a representative of the Comptroller of the Treasury, appointed by the State Comptroller;

(3) the Chief Executive Officer;

(4) a member of the House of Delegates, appointed by the Speaker of the House of Delegates;

(5) a member of the Senate, appointed by the President of the Senate;

(6) a representative of the University System of Maryland, appointed by the Chancellor;

(7) a representative of the State Department of Education, appointed by the Governor;

(8) a representative of the Maryland Department of Labor, appointed by the Governor;

(9) a representative of the Governor's Office of Crime Control and Prevention, appointed by the Governor;

(10) two representatives of organized labor, one from the public sector and one from the private sector, appointed by the Governor in accordance with subsection (b) of this section;

(11) a judge, appointed by the Chief Judge of the Maryland Court of Appeals;

(12) two representatives of the business community selected from the fields of manufacturing, services, finance, and information technology, appointed by the Governor in accordance with subsection (b) of this section; and

(13) one representative of a nonprofit organization, appointed by the Governor in accordance with subsection (b) of this section.

(b) (1) The term of a member appointed under subsection (a)(10), (12), and (13) of this section is 3 years.

(2) At the end of a term the member continues to serve until a successor is appointed and qualifies.

(3) A member appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

§3–519.

(a) The Management Council annually shall elect a Chairperson.

(b) The manner of election shall be as the Management Council determines.

§3–520.

(a) The Management Council shall determine the times and places of its meetings.

(b) Eight members of the Management Council constitute a quorum.

(c) A member of the Management Council:

(1) may not receive compensation for membership on the Management Council; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(d) Except as provided in subsection (e) of this section, the State, the Management Council, and the members and employees of the Management Council may not be held liable for any act or omission of the Management Council or any member or employee of the Management Council in connection with the performance of their duties.

(e) Subsection (d) of this section does not apply in the case of willful malfeasance or breach of trust by the State, the Management Council, or any member or employee of the Management Council.

(f) The Secretary shall employ staff for the Management Council to be paid out of funds from Maryland Correctional Enterprises, in accordance with the State budget.

(g) (1) For fiscal year 2000 and each fiscal year thereafter, the Management Council shall prepare a budget for submission to the Secretary.

(2) The Secretary shall request an appropriation for the Management Council in the annual State budget sufficient for the operation of the Council.

§3–521.

(a) (1) The Management Council shall:

(i) advise Maryland Correctional Enterprises on its specific proposals to establish new industries and improve the quality and quantity of job training programs; and

(ii) recommend the establishment and maintenance of industrial plants and service centers to be used for implementing the programs developed by the Commissioner and Chief Executive Officer under § 3-511 of this subtitle.

(2) Maryland Correctional Enterprises shall operate industrial plants and service centers recommended under paragraph (1)(ii) of this subsection primarily with inmates in a manner that benefits the State and the training of inmates by producing goods or providing services that are practical and adaptable for a prison industry.

(b) The Management Council shall:

(1) review the operation of the programs of Maryland Correctional Enterprises to determine whether:

(i) there is undue competition with private enterprise and recommend necessary adjustments to prevent undue competition; and

(ii) there is any negative impact on workers in the State, including wage depression or job displacement;

(2) review the standards for goods and services and the pricing schedules as recommended by the Chief Executive Officer; and

(3) review the occupational health and safety record of programs and other working conditions of inmates in the programs of Maryland Correctional Enterprises.

(c) The Management Council shall:

(1) review the success of Maryland Correctional Enterprises in:

(i) meeting the employability development needs of inmates; and

(ii) coordinating work programs with other rehabilitative programs;

(2) solicit and review information pertaining to concerns of participating inmates; and

(3) recommend changes as necessary to meet the goals and objectives of Maryland Correctional Enterprises.

(d) The Management Council shall:

(1) solicit ideas, proposals, and suggestions from business representatives, nonprofit organizations, government entities, and members of the public as to how Maryland Correctional Enterprises could enhance the work experience of inmates and increase the ability of inmates to obtain gainful employment after release;

(2) review and recommend opportunities with private sector employers to expand the Prison Industries Enhancement Program;

(3) review and identify ways to improve the business practices of Maryland Correctional Enterprises in its sales, marketing, inventory, warehousing, and product line operations;

(4) monitor customer satisfaction with price, quality, delivery, and after delivery service; and

(5) review and comment on the operating and capital budgets of Maryland Correctional Enterprises, including cash forecasts.

§3–522.

On or before October 1 of each year, the Management Council shall submit to the Governor and, subject to § 2–1257 of the State Government Article, to the General Assembly an annual report summarizing the Management Council's activities and recommendations.

§3–523.

All State and local governmental units shall cooperate with the Management Council in the discharge of its powers and duties, including requests for information associated with its purpose under this subtitle.

§3–524.

There is a Customer Council created to advise the Chief Executive Officer.

§3–525.

The Customer Council shall consist of the following 11 members:

(1) the Chief Executive Officer;

(2) one representative from each of the following State agencies, appointed by the Secretary of the respective agency:

(i) the Department of Budget and Management;

(ii) the Department of Commerce;

(iii) the Department of General Services;

(iv) the Maryland Department of Health;

(v) the Department of Human Services;

(vi) the Department of Transportation; and

(vii) the Maryland Higher Education Commission; and

(3) three customers recommended by the Chief Executive Officer and appointed by the Governor.

§3–526.

The Chief Executive Officer shall serve as chairperson of the Customer Council.

§3–527.

(a) The Customer Council shall meet quarterly.

(b) A member of the Customer Council:

(1) may not receive compensation for membership on the Customer Council; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

§3–528.

(a) The Customer Council shall:

(1) review the products and services of Maryland Correctional Enterprises;

(2) advise the Chief Executive Officer on quality, availability, style, design, delivery, scheduling, and pricing;

(3) recommend new products and services;

(4) annually review the catalog of Maryland Correctional Enterprises products and recommend changes to improve the catalog;

(5) recommend sales, marketing, and customer satisfaction initiatives;

(6) annually review the Maryland Correctional Enterprises business plan; and

(7) serve as a forum for raising and discussing issues related to any product or service offered by Maryland Correctional Enterprises.

(b) The Chief Executive Officer shall present a summary of Customer Council activities and recommendations to the Management Council, as provided in § 3-521(b) of this subtitle following each meeting.

§3–601.

(a) In this section, "risk and needs assessment" has the meaning stated in § 6–101 of this article.

(b) Promptly after an inmate is sentenced to the jurisdiction of the Division, the Division shall assemble an adequate case record for the inmate that includes:

(1) a description of the inmate;

(2) a photograph of the inmate;

(3) the family history of the inmate;

(4) the educational, vocational, and job history of the inmate;

(5) any previous record of the inmate;

(6) a summary of the facts of each case for which the inmate is serving a sentence; and

(7) as required under subsection (c) of this section, the results of:

(i) a risk and needs assessment of the inmate;

(ii) the physical and mental examination of the inmate; and

(iii) the educational, vocational, and job history interview of the inmate.

(c) The Division shall conduct, for each inmate, as soon as feasible after the individual is sentenced to the jurisdiction of the Division:

(1) a risk and needs assessment;

(2) a physical and mental examination; and

(3) an educational, vocational, and job history interview.

(d) (1) Based on the information assembled under subsection (b) of this section, the Division shall classify an inmate and develop a case plan to guide an inmate's rehabilitation while under the custody of the Division.

(2) The case plan developed under this subsection shall include:

(i) programming and treatment recommendations based on the results of the risk and needs assessment conducted under subsection (c) of this section;

(ii) required conduct in accordance with the rules and policies of the Division; and

(iii) a plan for the payment of restitution, not to supersede any payment plan established by the court, if restitution has been ordered.

(e) In accordance with regulations adopted by the Division, the managing official of each correctional facility shall maintain, as a part of an inmate's case record:

(1) an adequate record of the conduct, effort, and progress of the inmate during confinement; and

(2) a record of the character of any offense committed by the inmate and the nature and amount of punishment inflicted.

(f) To identify an inmate, the Division may photograph and fingerprint the inmate and record a description of the inmate's personal background data.

§3–602.

(a) Except as otherwise provided in this subtitle, the contents of a case record maintained under § 3-601 of this subtitle may not be disclosed.

(b) The contents of a case record may be disclosed:

(1) if the record is necessary to ensure proper medical treatment, to a provider of medical services to the inmate;

(2) to the inmate's attorney;

(3) to a person authorized by a court order;

(4) to a person expressly authorized by law;

(5) to a judge of a State court;

(6) to a State's Attorney;

(7) to an employee of any State unit or a federal or local law enforcement unit, if disclosure is in furtherance of the employee's lawful duties; and

(8) on written request, to a person who has written authorization for the disclosure from the inmate.

(c) Except for a disclosure under subsection (b)(5) or (6) of this section, an inmate's case record may be disclosed only if the managing official of the correctional facility:

(1) approves the disclosure; and

(2) is satisfied that:

(i) each applicable condition set forth in subsection (b) of this section has been met;

(ii) the record will be used solely for the legitimate purposes of the person or governmental unit that receives it and not for any improper or unauthorized purpose; and

(iii) the record will not be further disseminated to a person or governmental unit not authorized to receive it.

(d) The Commissioner shall adopt regulations in accordance with this section to establish procedures that govern the disclosure of an inmate's case record.

§3–603.

The managing official of a correctional facility shall present a copy of an inmate's case record maintained under § 3-601 of this subtitle, or a summary of the record, to the Maryland Parole Commission:

(1) by the time the inmate becomes eligible for parole; and

(2) at other times on request.

§3–604.

(a) If an inmate is granted a rehearing or new trial by a court asserting jurisdiction over an offense for which the inmate is confined and the case record maintained under § 3–601 of this subtitle must be provided to the court or a

correctional facility to which the inmate is transferred, the State shall reimburse the correctional facility or political subdivision for the cost of providing the record.

(b) The State shall make the payment described under subsection (a) of this section:

(1) through the Administrative Office of the Courts;

(2) after proper certification; and

(3) on a monthly basis.

§3–605.

If, in the trial of a criminal case, the fact that an individual was previously convicted of a crime is admissible in evidence, the case record maintained under § 3-601 of this subtitle is admissible in evidence to prove the fact of the conviction and of the crime for which the individual was convicted.

§3–606.

On request, the Division shall provide a copy of a case record maintained under § 3-601 of this subtitle to a managing official of:

(1) a correctional facility in another state if that state has made reciprocal provisions by law for providing records of its convicted criminals to the authorities of other states;

(2) a federal correctional facility; and

(3) a local correctional facility.

§3–607.

(a) The Division shall provide a copy of a case record maintained under § 3-601 of this subtitle to a police officer who presents an order for a copy of the record signed by the superintendent or other officer in charge of police in a municipal corporation or county.

(b) On or before the 28th day of each month, the Division shall provide to the superintendent or other officer in charge of police in the municipal corporation or county from which the inmate was committed the following information about each inmate whose sentence expires the following month:

(1) the inmate's name;

(2) the date when the inmate's sentence commenced;

(3) the county from which the inmate was committed;

(4) the crime for which the inmate was committed; and

(5) the exact date when the inmate will be discharged.

§3–608.

(a) To increase efficiency in the treatment, management, and rehabilitation of inmates confined in correctional facilities in the Division, the Division and the Division of Parole and Probation shall exchange records and any other pertinent information that relates to an inmate.

(b) The Division and the Division of Parole and Probation shall establish the procedures and methods for the exchange of records and other information described in subsection (a) of this section.

§3–609.

(a) A correctional facility in the Division shall maintain a reserve financial account and a spending financial account for each inmate in the correctional facility.

(b) The accounts of an inmate may be charged for:

(1) the reasonable value of any State property that the inmate:

(i) willfully or maliciously destroys; or

(ii) destroys as the result of gross negligence; or

(2) any fees assessed under § 2-118 of this article.

(c) The Commissioner shall adopt regulations that:

(1) set forth those items that may be credited to or disbursed from an account under this section; and

(2) set forth procedures for carrying out this section, including procedures that provide due process of law to each inmate before the inmate's accounts may be charged with a disbursement under subsection (b) of this section.

§3–701.

In this subtitle, "term of confinement" means:

(1) the length of the sentence, for a single sentence; or

(2) the period from the first day of the sentence that begins first through the last day of the sentence that ends last, for:

(i) concurrent sentences;

(ii) partially concurrent sentences;

(iii) consecutive sentences; or

(iv) a combination of concurrent and consecutive sentences.

§3–702.

(a) Subject to subsections (b) and (c) of this section, § 3–711 of this subtitle, and Title 7, Subtitle 5 of this article, an inmate committed to the custody of the Commissioner is entitled to a diminution of the inmate's term of confinement as provided under this subtitle.

(b) An inmate who is serving a sentence for a violation of § 3–303 or § 3–304 of the Criminal Law Article involving a victim who is a child under the age of 16 years, or an inmate who is serving a sentence for a violation of § 3–305 or § 3–306 of the Criminal Law Article, as the sections existed before October 1, 2017, involving a victim who is a child under the age of 16 years, is not entitled to a diminution of the inmate's term of confinement as provided under this subtitle.

(c) An inmate who is serving a sentence for a violation of § 3–307 of the Criminal Law Article involving a victim who is a child under the age of 16 years is not entitled to a diminution of the inmate's term of confinement as provided under this subtitle, if the inmate was previously convicted of a violation of § 3–307 of the Criminal Law Article involving a victim who is a child under the age of 16 years.

§3–703.

Notwithstanding any other provision of this subtitle, an inmate who serves a concurrent Maryland sentence in a foreign jurisdiction may be allowed diminution credits under this subtitle only from the date that the inmate is received into the physical custody of the Commissioner.

§3–704.

(a) An inmate shall be allowed a deduction in advance from the inmate's term of confinement.

(b) (1) The deduction allowed under subsection (a) of this section shall be calculated:

(i) from the first day of commitment to the custody of the Commissioner through the last day of the inmate's term of confinement;

(ii) except as provided in paragraph (2) of this subsection, at the rate of 10 days for each calendar month; and

(iii) on a prorated basis for any portion of a calendar month.

(2) If an inmate's term of confinement includes a consecutive or concurrent sentence for a crime of violence as defined in § 14–101 of the Criminal Law Article or a crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance in violation of § 5–612 or § 5–613 of the Criminal Law Article, the deduction described in subsection (a) of this section shall be calculated at the rate of 5 days for each calendar month.

(c) A deduction under this section may not be allowed for a period during which an inmate does not receive credit for service of the inmate's term of confinement, including a period:

(1) during which the inmate's sentence is stayed;

(2) during which the inmate is not in the custody of the Commissioner because of escape; or

(3) for which the Maryland Parole Commission has declined to grant credit after revocation of parole or mandatory supervision.

§3–705.

(a) (1) In addition to any other deductions allowed under this subtitle, an inmate may be allowed a deduction of 5 days from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory performance of assigned work tasks.

(2) The deduction described in paragraph (1) of this subsection shall be calculated:

(i) from the first day that the work task is performed; and

(ii) on a prorated basis for any portion of a calendar month during which the inmate performed the work task.

(b) The Commissioner shall adopt regulations governing the determination of deductions authorized under this section.

§3–706.

(a) In addition to any other deductions allowed under this subtitle, as an incentive to reduce a term of incarceration, an inmate may be allowed a deduction of 5 days from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory progress in or completion of:

(1) vocational courses;

(2) other educational and training courses;

(3) workforce development training;

(4) cognitive–behavioral therapy;

(5) substance abuse therapy;

(6) life skills training; or

(7) antiviolence therapy, including anger management and conflict resolution.

(b) The deduction described in subsection (a) of this section shall be calculated:

(1) from the first day that the inmate participates in the course; and

(2) on a prorated basis for any portion of the calendar month during which the inmate participates in the course.

§3–707.

(a) (1) Except as provided in paragraph (2) of this subsection, in addition to any other deductions allowed under this subtitle, an inmate may be allowed a deduction of up to 20 days from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory progress in those special selected work projects or other special programs, including recidivism reduction programming, designated by the Commissioner and approved by the Secretary.

(2) The deduction described in paragraph (1) of this subsection shall be calculated at the rate of up to 10 days for each calendar month, if an inmate's term of confinement includes a consecutive or concurrent sentence for:

(i) a crime of violence, as defined in § 14–101 of the Criminal Law Article;

(ii) a sexual offense for which registration is required under Title 11, Subtitle 7 of the Criminal Procedure Article; or

(iii) a crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance in violation of § 5–612 or § 5–613 of the Criminal Law Article.

(b) A deduction described in subsection (a) of this section shall be calculated:

(1) from the first day that the inmate is assigned to the work project or program; and

(2) on a prorated basis for any portion of the calendar month during which the inmate participates in the work project or program.

§3–708.

Notwithstanding any other provision of this subtitle, an inmate may not be allowed a deduction under this subtitle of more than:

(1) 20 days for a calendar month for an inmate described in § 3–707(a)(2) of this subtitle; and

(2) 30 days for a calendar month for all other inmates.

§3–709.

(a) If an inmate violates the applicable rules of discipline, the Division may revoke a portion or all of the diminution credits awarded under §§ 3-704 (good

conduct) and 3-707 (special projects) of this subtitle according to the nature and frequency of the violation.

(b) This section does not affect the diminution credits awarded under §§ 3-705 (work tasks) and 3-706 (education) of this subtitle.

(c) (1) The Division may restore diminution credits revoked under this section.

(2) The Commissioner shall adopt regulations governing the restoration of revoked diminution credits.

§3–710.

If an inmate in the Patuxent Institution or a correctional facility in the Division is admitted to a mental health facility under § 10-614 of the Health - General Article, the inmate may be allowed diminution credits under this subtitle.

§3–711.

If an inmate is convicted and sentenced to imprisonment for a crime committed while on parole and the parole is revoked, diminution credits that were awarded before the inmate's release on parole may not be applied toward the inmate's term of confinement on return to the Division.

§3–801.

(a) The Division may establish a work-release program.

(b) Under the work-release program, an inmate who is sentenced to the jurisdiction of the Division may be granted the privilege of leaving actual confinement during necessary and reasonable hours:

(1) to work at gainful public or private employment;

(2) to attend school; or

(3) under appropriate conditions, to seek employment.

(c) (1) An inmate may apply to the warden of the correctional facility in which the inmate is confined for permission to participate in the program.

(2) An application shall include:

(i) a statement by the inmate that the inmate agrees to abide by all terms and conditions of the particular plan that the Commissioner or the Commissioner's designee adopts for the inmate;

(ii) the name and address of a proposed employer or school training program, if any; and

(iii) any other information that the Division or the Commissioner requires, including the inmate's agreement to waive the right to contest extradition proceedings.

(d) (1) A warden may recommend an inmate's application to the Commissioner.

(2) The Commissioner or the Commissioner's designee may approve, disapprove, or defer action on the application.

(3) If an inmate's application is approved, the Commissioner or the Commissioner's designee shall adopt a work-release plan for the inmate that:

(i) contains terms and conditions that are necessary and proper;

(ii) may include the inmate's waiver of the right to contest extradition proceedings; and

(iii) is signed by the inmate before the inmate participates in the work-release program.

(4) At any time and for any reason, the Commissioner may revoke approval for an inmate to participate in the work-release program.

§3–802.

(a) The Commissioner may grant weekend leave to an inmate if:

(1) the inmate has participated for at least 2 months in the work-release program established under § 3-801 of this subtitle; and

(2) the inmate's direct Division supervisor in the work-release program recommends the inmate for weekend leave.

(b) The Commissioner shall:

(1) determine whether to grant authorization for weekend leave; and

(2) establish terms and conditions for weekend leave, which may include the inmate's waiver of the right to contest extradition proceedings.

(c) Weekend leave may not begin before 6 p.m. Friday or end after 6 p.m. on the Sunday that immediately follows.

§3–803.

(a) (1) The Division shall designate correctional facilities in the Division to house inmates in the work-release program established under § 3-801 of this subtitle.

(2) If the designated facilities are not reasonably near the place of employment of an inmate who is in the work-release program, the Division may contract with a political subdivision of the State to house the inmate in a suitable local correctional facility.

(3) The Commissioner shall include as a specific term or condition of an inmate's work-release plan the place where the inmate is to be confined when not released under the work-release program.

(b) (1) An inmate who is released from actual confinement under a work-release plan may not willfully fail to return to the designated place of confinement at the designated times.

(2) An inmate who knowingly violates paragraph (1) of this subsection is guilty of escape and on conviction is subject to the penalties of § 9-404 of the Criminal Law Article.

§3–804.

(a) An inmate who is employed in the community under a work-release plan shall surrender to the Division the inmate's total earnings less any payroll deductions required by law.

(b) (1) The Division shall deduct from the inmate's earnings in the following order of priority:

(i) an amount the Division determines to be the cost to the State of providing food, lodging, and clothing for the inmate;

(ii) fees assessed under § 2-118 of this article;

(iii) the actual and necessary food, travel, and other expenses of the inmate when released from actual confinement under the work-release program;

(iv) subject to paragraph (3) of this subsection, any amount that the inmate is legally obligated to pay to support the inmate's dependents; and

(v) the amount that a court orders to be paid as restitution.

(2) Any balance that remains after the deductions are made under subsection (a) of this section shall be:

(i) credited to the inmate's account; and

(ii) paid to the inmate on release.

(3) Any amount deducted under paragraph (1)(iv) of this subsection shall be paid to an inmate's dependents through the local social services administration in the county in which the dependents reside.

(c) If any part of the inmate's final earnings under a work-release plan are required to satisfy the obligatory deductions set forth in subsection (b) of this section, the balance of those earnings shall be forwarded to the inmate within 15 days after the inmate's release from the Division's jurisdiction.

§3–805.

(a) An inmate who is employed in the community as a participant in the work-release program established under § 3-801 of this subtitle is not an agent, employee, or involuntary servant of the Division while released from confinement under the terms of a work-release plan.

(b) Title 10, Subtitle 3 of this article does not apply when an inmate released under a work-release plan sustains an injury while engaged in gainful private employment.

§3–806.

Sections 3-801 through 3-805 of this subtitle do not affect:

(1) an inmate's eligibility for parole, as provided in Title 7 of this article; or

(2) diminution of an inmate's term of confinement, as provided in Subtitle 7 of this title.

§3–807.

(a) The Division may establish an extended work–release program.

(b) Under the extended work–release program, an inmate who is sentenced to the jurisdiction of the Division for desertion or nonsupport of a spouse, child, or destitute parent may be granted the privilege of leaving actual confinement:

(1) to work at gainful employment;

(2) to live in a noninstitutional environment; or

(3) under appropriate conditions, to live at home under intensive supervision by the Division of Parole and Probation.

(c) When an inmate who has been convicted of desertion or nonsupport of a spouse, child, or destitute parent is first received at a correctional facility in the Division, the Division of Parole and Probation shall cause an investigation to be made to enable the Commissioner or the Commissioner's designee to determine the advisability of placing the inmate in the extended work–release program.

(d) (1) (i) After reviewing the results of the investigation described in subsection (c) of this section, the Commissioner or the Commissioner's designee may approve, disapprove, or defer action on the placement of an inmate in the extended work–release program.

(ii) If an inmate is approved for placement in the extended work–release program, the Commissioner or the Commissioner's designee shall adopt an extended work–release plan for the inmate.

(2) An extended work–release plan:

(i) shall contain terms and conditions that are necessary and proper;

(ii) shall be signed by the inmate before the inmate participates in the program; and

(iii) may be conditioned on the inmate's agreement to waive the right to contest extradition proceedings.

(3) At any time and for any reason, the Commissioner may revoke approval for an inmate to participate in the extended work–release program.

(e) In addition to any other terms and conditions contained in an extended work–release plan, a plan may provide:

(1) that the inmate's earnings be used to support the inmate's family and reimburse the State for the inmate's room and board; and

(2) (i) that the inmate work at gainful employment during necessary and reasonable hours;

(ii) that the inmate live in a controlled but noninstitutional environment, under intensive supervision by the Division of Parole and Probation; or

(iii) in special cases, to serve the general welfare and the best interests of the inmate's family and to ensure family unity and more effective rehabilitation after expiration of sentence, that the inmate live at home under intensive supervision by the Division of Parole and Probation.

(f) (1) An inmate who has been placed in an extended work–release plan, including an inmate who has been allowed to live at home or elsewhere, is deemed to be in the custody of the Commissioner to the same extent, and subject to the same supervision and control, as an inmate who is actually confined in a correctional facility until the inmate:

(i) is pardoned or paroled; or

(ii) has served the inmate's full sentence less any diminution credits awarded under Subtitle 7 of this title.

(2) If the Commissioner revokes an extended work–release plan, the inmate shall be returned to actual confinement in a correctional facility until a new plan is approved for the inmate.

(g) Other State units, including the Department of Human Services and the Division of Parole and Probation, shall cooperate with the Division to implement and accomplish the objectives of the extended work–release program.

(h) The Commissioner may adopt regulations to implement the extended work–release program.

(i) (1) An inmate who is released from actual confinement under an extended work–release program may not willfully violate the terms of authorization for release in the inmate's extended work–release plan.

(2) An inmate who knowingly violates paragraph (1) of this subsection is guilty of escape and on conviction is subject to the penalties of § 9–404 of the Criminal Law Article.

§3–808.

(a) The Commissioner, the Deputy Commissioner, the Assistant Commissioner for Operations, or the Assistant Commissioner for Administration may grant compassionate leave to an inmate confined in a correctional facility in the Division to visit a member of the inmate's immediate family who is seriously ill or attend the funeral of a member of the inmate's immediate family.

(b) (1) When granting compassionate leave to an inmate, the Commissioner, the Deputy Commissioner, the Assistant Commissioner for Operations, or the Assistant Commissioner for Administration shall:

(i) issue a written authorization that:

1. specifies the conditions of the compassionate leave; and

2. may be conditioned on the inmate's agreement to waive the right to contest extradition proceedings; and

(ii) file a copy of the authorization in the Commissioner's office.

(2) While on compassionate leave, an inmate at all times shall possess a copy of the authorization for compassionate leave.

(c) (1) The duration of compassionate leave shall include reasonable time:

(i) for travel; and

(ii) for fulfilling the purpose of the leave.

(2) The Commissioner may require an inmate to whom compassionate leave is granted or anyone acting on the inmate's behalf to reimburse the Division for the expenses incurred by the Division in granting the leave.

(d) The failure of an inmate to comply with the terms of the inmate's authorization for compassionate leave is a violation of § 9-404 of the Criminal Law Article.

(e) The Commissioner may adopt regulations to carry out this section.

§3–809.

(a) The Commissioner, the Deputy Commissioner, the Assistant Commissioner for Operations, or the Assistant Commissioner for Administration may grant special leave within or outside of the State as provided under this section to an inmate who:

(1) is confined in a correctional facility in the Division;

(2) has been selected to participate in a prerelease program; and

(3) is within 3 months of the inmate's anticipated release.

(b) The Commissioner, the Deputy Commissioner, the Assistant Commissioner for Operations, or the Assistant Commissioner for Administration may grant special leave to an inmate:

(1) for an employment interview;

(2) as part of a prerelease program relating to employment; or

(3) to participate in a community treatment or educational program that will contribute to the inmate's rehabilitation.

(c) (1) The Commissioner, the Deputy Commissioner, the Assistant Commissioner for Operations, or the Assistant Commissioner for Administration:

(i) may grant weekend leave to an inmate if:

1. the inmate has participated for at least 2 months in a prerelease program as authorized under this section; and

2. the inmate's direct Division supervisor in the prerelease program recommends the inmate for weekend leave; and

(ii) shall establish the terms and conditions of weekend leave, which may include the inmate's agreement to waive the right to contest extradition proceedings.

(2) Weekend leave may not begin before 6 p.m. on Friday or end after 6 p.m. on the Sunday that immediately follows.

§3–810.

(a) On the recommendation of treatment staff and with the approval of the managing official of a correctional facility in the Division, the Commissioner or Deputy Commissioner may grant special leave to an inmate to allow an inmate to participate in a special community or other meritorious program or activity within or outside of the State that the Commissioner and managing official believe:

(1) would benefit the inmate;

(2) would not be detrimental to the public; and

(3) would help rehabilitate the inmate.

(b) The Commissioner or Deputy Commissioner may grant special leave for the purpose of allowing an inmate to:

(1) attend an educational program;

(2) improve job skills;

(3) attend a trade licensing examination;

(4) be interviewed for employment;

(5) participate as a volunteer for a governmental unit in an activity that serves the general public;

(6) participate in athletic competition;

(7) participate in a civic activity that benefits the inmate or the community; or

(8) participate in a residential or nonresidential treatment program including a program for pregnant women or a program to establish bonding between mothers and newborn children.

(c) An inmate granted leave under this section may be allowed to remain outside the institution for any period of time consistent with public safety.

(d) (1) An inmate is not eligible for special leave under this section unless the managing official and Commissioner concur that positive attitudinal and growth patterns are being established.

(2) Special leave shall be issued in writing and signed personally by both the managing official and either the Commissioner or Deputy Commissioner.

(3) As a condition of granting special leave, the Commissioner may require that the inmate agree to waive the right to contest extradition proceedings.

(4) The Commissioner or Deputy Commissioner shall file the order granting special leave in the Division.

§3–811.

(a) The Commissioner or Commissioner's designee may grant family leave to allow an inmate to visit the inmate's family for a reasonable time if the inmate:

(1) is confined in a correctional facility in the Division;

(2) is classified to be in prerelease status; and

(3) is recommended by the correctional facility's case management team and managing official.

(b) (1) When granting family leave to an inmate, the Commissioner or Commissioner's designee shall:

(i) issue a written authorization to the inmate that specifies the conditions of the family leave; and

(ii) file a copy of the authorization in the Commissioner's office.

(2) While on family leave, an inmate at all times shall possess a copy of the authorization for family leave.

(c) The failure of an inmate to comply with the terms of the authorization for family leave is a violation of § 9-404 of the Criminal Law Article.

(d) The Commissioner may adopt regulations to carry out this section.

§4–101.

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

(b) "Board of Review" means the institutional Board of Review created under § 4-205 of this title.

(c) "Commissioner" means the Commissioner of Correction.

(d) "Director" means the Director of the Patuxent Institution.

(e) (1) "Eligible person" means an individual who:

(i) has been convicted of a crime and is serving a sentence of imprisonment with at least 3 years remaining on the sentence;

(ii) has an intellectual impairment or emotional imbalance;

(iii) is likely to respond favorably to the programs and services that the Institution provides;

(iv) can better respond to remediation through those programs and services than by other incarceration; and

(v) meets the eligibility criteria that the Secretary establishes under § 4–208(b) of this title.

(2) "Eligible person" does not include an individual who:

(i) is serving two or more sentences of imprisonment for life under § 2–201, former § 2–303, or § 2–304 of the Criminal Law Article;

(ii) is serving one or more sentences of imprisonment for life when a court or jury has found under former § 2–303 of the Criminal Law Article, beyond a reasonable doubt, that one or more aggravating circumstances existed; or

(iii) has been convicted of murder in the first degree, rape in the first degree, or a sexual offense in the first degree, unless the sentencing judge, at the time of sentencing or in the exercise of the judge's revisory power under the Maryland Rules, recommends that the individual be referred to the Institution for evaluation.

(f) "Evaluation team" means a team of at least three professional employees of the Institution, one of whom shall be a social worker, one of whom shall be a psychologist, and one of whom shall be a psychiatrist.

(g) "Institution" means the Patuxent Institution.

(h) "Patuxent programs" includes the eligible person program as defined in § 4-301 of this title, and the Patuxent Youth Program as defined in § 4-401 of this title.

(i) "Remediation" means treatment for specific areas of mental and social deficiencies that are highly related to criminal behavior.

(j) "Victim" means:

(1) an individual who suffers personal physical injury or death as a direct result of a crime; or

(2) if the victim is deceased, a designated family member of the victim.

§4–201.

There is a Patuxent Institution in the Department.

§4–202.

(a) The purpose of the Institution is to provide remediation programs and services to youthful offenders, other eligible persons, and mentally ill inmates including a range of program alternatives indicated by the current state of knowledge to be appropriate and effective for the population being served.

(b) The Institution shall establish and maintain, as an integral part of the programs, an effective research, development, and training effort to evaluate and recommend improvements on an ongoing basis.

(c) (1) No more than 350 eligible persons may be enrolled in the eligible person remediation program.

(2) The Institution may provide other remediation programs that the Secretary designates.

§4–203.

(a) The Director is the chief administrative officer of the Institution.

(b) (1) The Secretary shall appoint the Director.

(2) The Director shall be a trained and competent administrator.

(3) The Director serves at the pleasure of the Secretary.

(4) The Director is entitled to the compensation provided in the State budget.

(c) Subject to the authority of the Secretary, the Director shall manage and supervise the Institution and implement its programs and services.

(d) (1) On or before October 31 of each year, the Director shall submit an annual report to the Secretary and the Governor.

(2) The annual report shall state:

(i) the Institution's expenses, receipts, disbursements, condition, and progress;

(ii) the number of inmates and each inmate's age, sex, race, place of birth, place of conviction, crime, and term of confinement;

(iii) the number of inmates who are admitted to each of the Patuxent programs;

(iv) the number of Division of Correction inmates receiving care during the year at Patuxent Institution for mental health conditions;

(v) the number of Patuxent program inmates who are pardoned, or discharged;

(vi) the number of inmates evaluated at the Institution for each of the Patuxent programs;

(vii) the decisions of the Board of Review to grant leave to Patuxent program inmates;

(viii) the number of rearrests, reconvictions, reincarcerations, and parole violations of individuals released from incarceration through a Patuxent program;

(ix) the number of eligible persons who are removed from each Patuxent program and returned to the Division of Correction;

(x) a summary of the reasons underlying each individual's transfer to the Division of Correction as described in item (ix) of this paragraph;

(xi) information on educational programs and community reentry activities; and

(xii) any remarks and suggestions the Director considers necessary to advance the interests of the Institution.

(3) The Director shall verify the report required by this subsection.

(4) Subject to § 2–1257 of the State Government Article, the Governor shall submit to the General Assembly the report required under this subsection and any recommendation that the Governor considers expedient.

(5) The Secretary shall adopt regulations regarding the annual report required under this subsection.

§4–204.

(a) The Institution shall have the following staff:

(1) two associate directors, one of whom is a competent psychiatrist with at least 3 years of experience in the practice or teaching of psychiatry and one of whom is a competent behavioral scientist with at least 3 years of experience in the practice or teaching of the individual's specialty in behavioral science;

(2) a warden;

(3) at least three additional psychiatrists or clinical psychologists;

(4) at least four State licensed certified social workers–clinical; and

(5) other professional and nonprofessional staff, as provided in the State budget.

(b) (1) The associate directors shall assist primarily in discharging the diagnostic and remediation functions of the Institution.

(2) The warden shall assist primarily in discharging the custodial function of the Institution.

(c) The staff members of the Institution are entitled to compensation as provided in the State budget.

(d) (1) Except as provided in paragraph (3) of this subsection or any other law, the staff members of the Institution are in the skilled service or professional service in the State Personnel Management System.

(2) With the approval of the Secretary, the Director shall appoint an individual to any position that the Secretary determines to be professional, including:

(i) each associate director;

(ii) each social worker;

(iii) each sociologist;

(iv) each physician; and

(v) each psychologist.

(3) The Director and each individual appointed under paragraph (2)(i) of this subsection are in the executive service, in the management service, or a special appointment in the State Personnel Management System.

(4) The warden is the appointing authority for:

(i) correctional officers assigned to the Institution; and

(ii) staff attached to the office of the warden.

§4–205.

(a) There is a Board of Review for the Institution.

(b) The Board of Review consists of the following nine members:

(1) the Director;

(2) the two associate directors;

(3) the warden; and

(4) five members of the public, one of whom is a member of a victim's rights organization, appointed by the Governor with the advice and consent of the Senate.

(c) The Governor shall designate the chairperson of the Board of Review.

(d) (1) Seven members of the Board of Review, including at least three public members, constitute a quorum.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, each action of the Board of Review requires the approval of 5 members.

(ii) A decision to grant parole, work release, or leave to an eligible person requires the approval of seven members of the Board of Review.

(e) (1) Employees of the Institution who are members of the Board of Review or who attend meetings of or work as advisors to the Board of Review shall serve in that capacity as part of their regular duties without additional compensation.

(2) The members of the Board of Review appointed from the public are entitled to compensation as provided in the State budget.

(f) The term of a member of the Board of Review appointed from the public is 4 years.

(g) The Board of Review shall perform the duties set forth in this title.

§4–206.

(a) A member of the Board of Review, the Director, or an employee of the Institution may not:

(1) be interested, directly or indirectly, in any contract, purchase, or sale made by or for the Institution or an inmate of the Institution;

(2) accept a reward or gift or a promise of a reward or gift from a person interested in a contract, purchase, or sale made by or for the Institution or an inmate of the Institution; or

(3) accept a reward, gift, devise, or bequest or a promise of a reward, gift, devise, or bequest from an inmate of the Institution or from anyone on the inmate's behalf.

(b) (1) A reward, gift, devise, bequest, or promise accepted in violation of this section is void.

(2) A contract, purchase, or sale in which a person has an interest prohibited by subsection (a) of this section is voidable by the State whether or not the State is a party to it.

(c) A member of the Board of Review, the Director, or an employee of the Institution shall report to the Director or the Secretary any violation of subsection (a) of this section that is within the individual's knowledge.

(d) (1) An individual who violates this section is guilty of misconduct in office.

(2) A violation of this section is grounds for removal from office or employment.

§4–207.

(a) There is a Citizens Advisory Board.

(b) Based on recommendations of the Secretary, the Governor shall appoint the members of the Citizens Advisory Board.

(c) The Citizens Advisory Board shall advise the Director and the Secretary with respect to the operation and programs of the Institution.

§4–208. IN EFFECT

(a) The Secretary shall adopt regulations to carry out this title.

(b) Notwithstanding § 10–101(h)(2)(i) of the State Government Article, the regulations adopted under this section, other than regulations pertaining only to routine internal management of the Institution, shall comply with the Administrative Procedure Act, including regulations that:

(1) govern criteria to determine eligibility for referral of an inmate to the Institution;

(2) govern leave, work release, and parole from the Institution; and

(3) establish with specificity what constitutes a major violation of the Institution's disciplinary rules.

§4–208. ** TAKES EFFECT OCTOBER 1, 2021 PER CHAPTER 8 OF 2019 **

(a) The Secretary shall adopt regulations to carry out this title.

(b) Notwithstanding § 10–101(g)(2)(i) of the State Government Article, the regulations adopted under this section, other than regulations pertaining only to

routine internal management of the Institution, shall comply with the Administrative Procedure Act, including regulations that:

(1) govern criteria to determine eligibility for referral of an inmate to the Institution;

(2) govern leave, work release, and parole from the Institution; and

(3) establish with specificity what constitutes a major violation of the Institution's disciplinary rules.

§4–209.

(a) The Institution shall compile and maintain a complete record of each inmate transferred to it for evaluation or treatment.

(b) The record shall include the following materials to the extent that the materials are physically available and the inclusion is not prohibited by federal law:

(1) police reports and other relevant information concerning the crime of which the inmate was most recently convicted and the sentence imposed for that conviction;

(2) the inmate's criminal and juvenile history and all relevant records concerning this history;

(3) presentence investigation, parole, probation, and other reports concerning the inmate;

(4) school records;

(5) information concerning the inmate's medical and mental health history, including relevant medical and hospital records and reports; and

(6) all other relevant information, records, and reports concerning the inmate's social, physical, or mental condition and history.

(c) (1) The Institution shall record a full and accurate description, including photographs, of each inmate transferred to the Institution for treatment.

(2) The Institution may adopt the Bertillon method or any other accurate method of description, measurement, and registration.

(d) (1) In order that the Institution may comply with this section, all State and local officials and units:

(i) shall cooperate with the Institution; and

(ii) promptly, on request of the Institution, shall furnish or cause to be furnished to the Institution the information, records, and reports in their possession.

(2) The provisions of § 3-8A-27(b) of the Courts Article do not apply to a request made for juvenile records under this section.

(e) To the extent that any record, report, or information compiled under this section is legally confidential, it shall remain confidential and may not be disclosed to any person or unit except to:

(1) the Commissioner or the Commissioner's authorized staff;

(2) the Division of Parole and Probation;

(3) the Maryland Parole Commission;

(4) a State's Attorney, when required in the prosecution or defense of a proceeding in court;

(5) a federal, State, or local law enforcement officer on a written request signed by an authorized commanding officer of the law enforcement unit certifying that the record, report, or information is needed for a pending investigation;

(6) an authorized correctional official or probation officer of:

(i) the United States; or

(ii) a state, if that jurisdiction has made reciprocal provision by law to furnish similar records, reports, or information to comparable officials of this State;

(7) the Attorney General;

(8) the Inmate Grievance Office, to the extent relevant to a matter pending before it and with the written consent of the inmate to whom the record, report, or information pertains;

(9) the Division of Rehabilitation Services of the Department of Education solely to determine if an inmate confined at the Institution qualifies for benefits provided by that Division;

(10) providers of medical care to the extent necessary to ensure proper medical treatment;

(11) a judge of a circuit court or the District Court when required in connection with a pretrial release, presentence, or postsentence investigation; and

(12) State, local, and federal units and private agencies to the extent that the release of the record, report, or information will benefit an eligible person but only with the written consent of the inmate to whom the record, report, or information pertains.

(f) Confidential records, reports, or information may be disclosed under subsection (e) of this section only if the Director reasonably believes that the record, report, or information:

(1) will be used solely for the legitimate purposes of the person or unit receiving it; and

(2) will not be further disseminated to any person or unit not authorized to receive it under subsection (e) of this section.

(g) Juvenile records obtained under subsection (d) of this section may be disclosed only:

(1) to a person or unit listed in subsection (e)(1), (2), and (3) of this section; and

(2) in accordance with subsection (f) of this section.

§4–210.

(a) On the recommendation of a health care provider, the Director or Director's designee may authorize medical treatment of a juvenile inmate when:

(1) in the judgment of the Director or designee, the treatment is necessary; and

(2) a parent, guardian, or person in loco parentis of the juvenile is not available on a timely basis to give the authorization.

(b) The Director or Director's designee may not be held liable for authorizing in good faith medically necessary treatment under subsection (a) of this section.

§4–211.

The Director may determine whether, to what extent, and which inmates of the Institution shall supply produce and other goods required to be purchased by contracting units or political subdivisions under Title 3, Subtitle 5 of this article.

§4–212.

Subject to any approval required by law, the Director may apply for and receive from any unit of government or private person a grant or loan of funds or goods to be used in the maintenance or programs of the Institution.

§4–213.

(a) An inmate confined at the Institution shall be released under mandatory supervision, as defined in § 7-101 of this article, in the same manner and subject to the same conditions as if the inmate were being released from a correctional facility in the Division of Correction.

(b) The Director may establish special programs or projects for diminution credit award to the same extent that such credits may be awarded in the Division of Correction.

(c) The Director may restore to inmates at Patuxent Institution any diminution credits rescinded upon adjudication of violation of institutional disciplinary rules to the same extent as such credits may be restored by the Commissioner of Correction to inmates in the Division.

(d) The Director may impose special terms and conditions on any inmate released on mandatory supervision from the Institution.

(e) If the Secretary reassigns supervisory responsibility of a mandatory releasee from the Division of Parole and Probation to the Institution in accordance with § 2-117 of this article, the Secretary may also reassign the authority to revoke mandatory supervision release to the Board of Review.

§4–214.

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

(2) "Commission" means the Maryland Commission of Correctional Standards.

(3) "Menstrual hygiene products" includes tampons and sanitary napkins for use in connection with the menstrual cycle.

(b) (1) The Institution shall have a written policy and procedure in place requiring menstrual hygiene products to be provided at no cost to a female inmate on:

(i) admission to the facility;

(ii) a routine basis; and

(iii) request.

(2) The Director shall ensure that the Institution has a sufficient supply of menstrual hygiene products available to meet the needs of the inmate population at all times.

(c) The Commission shall establish standards regarding the proper disposal of menstrual hygiene products.

(d) The Institution shall maintain records on the provisions and availability of menstrual hygiene products to inmates.

(e) The Commission shall review the Institution's policy and records relating to menstrual hygiene products during regular inspections.

§4–301.

(a) (1) The Director may request that the Commissioner refer an inmate to the Institution for evaluation as to whether the inmate is an eligible person if the inmate:

(i) is serving a sentence of imprisonment following conviction of a crime;

(ii) has more than 3 years remaining to serve on a sentence;

(iii) has not been evaluated by or confined at the Institution within the preceding 3 years;

(iv) is not disqualified from being an eligible person under § 4-101(e)(2) of this title; and

(v) meets the eligibility criteria that the Secretary establishes under § 4-208(b) of this title.

(2) The request that the Commissioner refer an inmate to the Institution shall be based:

(i) on recommendation of the sentencing court;

(ii) on application by the inmate or the State's Attorney of the county in which the inmate was last convicted; or

(iii) on the Commissioner's own initiative.

(3) The Commissioner shall promptly refer any inmate requested for evaluation by the Director unless the Commissioner determines that such a referral will constitute a security risk.

(b) (1) Within 6 months after an inmate is referred to the Institution, an evaluation team shall examine the inmate.

(2) Before proceeding with the examination, the evaluation team shall assemble and review all available and relevant information about the inmate provided for in § 4-209 of this title.

(c) (1) Based on the information reviewed under subsection (b)(2) of this section and an examination of the inmate, the evaluation team shall determine whether, in the opinion of a majority of the team, the inmate is an eligible person.

(2) The evaluation team shall submit to the Director a written report that states its findings.

(3) The report shall state in detail the reasoning supporting the team's conclusion with respect to each of the criteria for an eligible person set forth in § 4-101(e) of this title.

§4–302.

(a) (1) If the evaluation team determines under § 4-301(c) of this subtitle that an inmate is not an eligible person, the Director shall notify the Commissioner and send to the Commissioner a copy of the evaluation team's report.

(2) Within 30 days after sending the notice, the inmate shall be delivered to the appropriate correctional facility that the Commissioner designates.

(b) If the evaluation team determines under § 4-301(c) of this subtitle that the inmate is an eligible person, the Director shall notify the Commissioner and the inmate shall be admitted to the eligible person remediation program if the admission does not exceed the program capacity specified in § 4-202(c) of this title.

(c) (1) The evaluation team shall prepare, file with the Director, and implement an individualized written remediation plan for each eligible person.

(2) The Director or an associate director for treatment shall review the remediation plan and the eligible person's progress under it at appropriate intervals not exceeding every 6 months.

(d) (1) At least once a year, following a new evaluation by an evaluation team, the Board of Review shall review an inmate's status as an eligible person and the inmate's progress under the remediation plan.

(2) After its review, the Board of Review shall make appropriate written recommendations for the future remediation and status of the eligible person.

(3) The Institution shall maintain a copy of these recommendations as part of the inmate's file.

(e) An inmate transferred to the Institution for evaluation or treatment remains in the custody of the Division of Correction and under the sentence imposed on the inmate, but the inmate is subject to the immediate control of the Institution and its staff.

§4–303.

(a) (1) Subject to § 4–305 of this subtitle, inmates transferred to the Institution for treatment are eligible for the work release and leave of absence programs provided for in §§ 3–801 through 3–806 and 3–808 through 3–811 of this article.

(2) The Board of Review shall perform the functions of the warden and the Commissioner under §§ 3–801 through 3–806 and 3–808 through 3–811 of this article with respect to inmates confined in the Institution.

(b) (1) The Board of Review may not grant an eligible person work release or leave under this section until the Board of Review mails written notice to

the victim that the Board of Review intends to decide whether to grant work release or leave to the eligible person.

(2) Before the Board of Review decides whether to grant work release or leave to an eligible person, the Board of Review shall give the victim a reasonable opportunity to comment in writing on work release or leave or to present oral testimony in the manner that the Board of Review establishes by regulation.

(3) The Board of Review promptly shall notify the victim of the decision of the Board of Review regarding work release or leave.

(4) The victim may designate, in writing to the Board of Review, the name and address of a representative who is a resident of the State to receive notice for the victim.

(5) The Board of Review shall delete the victim's address and phone number from a document before the Board of Review allows examination of the document by the eligible person or the eligible person's representative.

§4–304.

Unless previously released on parole or mandatory supervision, an inmate confined at the Institution shall be released on expiration of sentence.

§4–305.

(a) After transfer of an inmate to the Institution for treatment as an eligible person but before expiration of the inmate's sentence, the Board of Review may grant a parole from the Institution for a period not exceeding 1 year if the Board of Review concludes that the parole:

(1) will not impose an unreasonable risk on society; and

(2) will assist in the remediation of the eligible person.

(b) (1) Except as provided in paragraph (2) of this subsection, an inmate sentenced to life imprisonment is not eligible for parole consideration until the inmate has served 15 years or the equivalent of 15 years when considering allowances for diminution of the inmate's period of confinement as provided under Title 3, Subtitle 7 of this article and § 6–218 of the Criminal Procedure Article.

(2) An inmate sentenced to life imprisonment as a result of a proceeding under former § 2–303 or § 2–304 of the Criminal Law Article is not eligible for parole consideration until the inmate has served 25 years or the equivalent of 25

years when considering allowances for diminution of the inmate's period of confinement as provided under Title 3, Subtitle 7 of this article and § 6–218 of the Criminal Procedure Article.

(3) Subject to paragraph (4) of this subsection, an eligible person who is serving a term of life imprisonment may be paroled only with the Governor's approval.

(4) (i) If the Board of Review decides to grant parole to an eligible person sentenced to life imprisonment who has served 25 years without application of diminution of confinement credits, and the Secretary approves the decision, the decision shall be transmitted to the Governor.

(ii) The Governor may disapprove the decision by written transmittal to the Board of Review.

(iii) If the Governor does not disapprove the decision within 180 days after receipt, the decision becomes effective.

(c) (1) The Board of Review may:

(i) attach reasonable conditions to parole granted under this section;

(ii) make reasonable and appropriate modifications of the conditions at any time; and

(iii) revoke the parole if the Board of Review finds that the individual has violated a condition of the parole.

(2) The Board of Review:

(i) shall review an individual's status before the expiration of the parole period; and

(ii) may extend the parole.

(d) (1) The Board of Review shall mail to the victim written notice of an eligible person's parole hearing.

(2) Before the Board decides whether to grant parole to an eligible person, the Board of Review shall give the victim a reasonable opportunity to comment on the parole in writing or to present oral testimony in the manner that the Board of Review establishes by regulation.

(3) The Board of Review promptly shall notify the victim of the decision of the Board of Review regarding parole.

(4) The victim may designate, in writing to the Board of Review, the name and address of a representative who is a resident of the State to receive notice for the victim.

(5) The Board of Review shall delete the victim's address and phone number from a document before the Board of Review allows examination of the document by the eligible person or the eligible person's representative.

(e) The Board of Review may not release an eligible person on parole until the Secretary approves the parole decision.

(f) (1) If an individual has completed successfully 3 years on parole without violation and the Board of Review concludes that the individual is safe to be permanently released, the Board of Review, through the Director, may petition the court that last sentenced the individual to:

(i) suspend the individual's remaining sentence and terminate parole supervision on the conditions the court considers appropriate; or

(ii) vacate the individual's remaining sentence.

(2) (i) The Director shall serve notice of the petition on the victim and the State's Attorney who last prosecuted the individual.

(ii) The State's Attorney shall be a party to the proceeding.

(3) After a hearing, the court may either grant or deny the relief requested in the petition.

§4–306.

(a) After transfer of an inmate to the Institution for treatment as an eligible person but before the inmate's sentence expires, on review of the inmate, the Board of Review may take any of the actions specified in subsection (b) of this section.

(b) (1) If an inmate submits a written request for a transfer to the Division of Correction, the Director shall notify the Commissioner and send the Commissioner a copy of any evaluation team's report that has been completed.

(2) If the Board of Review concludes that an inmate is no longer an eligible person but should remain confined in the Division of Correction subject to the authority of the Maryland Parole Commission until release on expiration of sentence or mandatory supervision, the Director shall notify the Commissioner and send the Commissioner a copy of the evaluation team's report.

(3) Within 90 days after notice is provided under paragraph (1) or (2) of this subsection, the inmate shall be delivered to the appropriate correctional facility that the Commissioner designates.

(4) A transfer under this subsection does not affect any right to parole consideration that the inmate may have at the time of transfer.

(c) (1) In this subsection, "major violation" includes:

(i) escape from parole, work release, or leave;

(ii) failure to return from parole, work release, or leave within 1 hour of the time due, unless the failure to return was due to causes beyond the control of the eligible person;

(iii) commission of a new crime, other than a minor traffic violation, while on parole, work release, or leave;

(iv) commission of a Category I violation of the Department's disciplinary rules; and

(v) use of a controlled dangerous substance that the eligible person is not entitled to use under the laws of the State.

(2) Except as provided in paragraph (3) of this subsection, if an inmate in the Eligible Person Program or the Patuxent Youth Program commits a major violation while on parole, work release, or leave, the Board of Review may impose appropriate sanctions consistent with the best interests of public safety.

(3) If the Board of Review or the Secretary determines that a major violation was severe enough to warrant removing an eligible person from the Institution, the eligible person may be removed from the Institution and returned to the Division of Correction to serve the remainder of the eligible person's original sentence.

(4) If an eligible person commits a second major violation while on parole, work release, or leave, the eligible person shall be removed from the

Institution and returned to the Division of Correction to serve the remainder of the eligible person's original sentence.

§4–307.

If a court has ordered that an eligible person make restitution as part of a sentence or as a condition of probation, the Board of Review shall require the eligible person to make restitution payments while on parole or work release as a condition of parole or work release.

§4–308.

An inmate who is transferred to the Institution for evaluation or treatment shall receive full credit against a sentence for the time spent at the Institution, including allowances or disallowances for diminution of the inmate's term of confinement under Title 3, Subtitle 7 of this article as the Director determines.

§4–401.

(a) In this section, "Youth Program" means the Patuxent Institution Youth Program.

(b) There is a Patuxent Institution Youth Program.

(c) This section applies to an individual under the age of 21 years who is sentenced to a term of imprisonment of 3 years or more.

(d) At sentencing, a court may refer an individual to the Institution for evaluation.

(e) The Director shall:

(1) review recommendations of a court for admission of an individual to the Youth Program; and

(2) admit or deny admission of an individual based on the criteria for admission established under subsection (j) of this section.

(f) An inmate's status in the Youth Program shall be reviewed by the Board of Review on an annual basis.

(g) The Board of Review may grant an inmate in the Youth Program leave, work or school release, or parole according to the same procedures and with the same notice to victims as required with respect to the eligible person program.

(h) If an individual is transferred to the Youth Program under this section, the duration of the transfer to the Institution shall terminate when:

(1) the Director orders the individual transferred to the Division of Correction;

(2) the Board of Review orders the individual transferred to the Division of Correction;

(3) with the approval of the Secretary, the Board of Review orders the individual paroled; or

(4) the individual completes the individual's term of confinement as provided by law.

(i) An individual who is transferred to the Youth Program as provided under this section is deemed to be committed to the custody of and subject to the jurisdiction of the Institution.

(j) (1) Regulations adopted by the Secretary under § 4-208 of this title shall include regulations governing the management and operation of the Youth Program, including criteria for admission to the Youth Program.

(2) Regulations establishing criteria for admission to the Youth Program shall:

(i) be consistent with this title and any other statutory requirements; and

(ii) include criteria regarding:

1. the individual's age;

2. the individual's mental and physical condition;

3. the individual's amenability to treatment in the Youth Program;

4. the nature of the individual's crime and the individual's participation in the crime; and

5. the public safety.

§5–101.

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

(b) "Commissioner" means the Commissioner of Pretrial Detention and Services.

(c) "Division" means the Division of Pretrial Detention and Services.

§5–102.

(a) The creation of the Division is based on the findings and policies set forth in this section.

(b) (1) Each year a large number of individuals have criminal charges placed against them in Baltimore City and remain on pretrial status until these charges are adjudicated.

(2) Many of the individuals on pretrial status were formerly committed to the Baltimore City Jail.

(c) There is an important public need to centralize and coordinate the provision of services to individuals on a pretrial status in Baltimore City.

(d) Baltimore City does not have the financial resources to fund a local correctional facility at a level sufficient to meet the needs of those incarcerated.

(e) The State recognizes the need to provide effective and efficient services to the public through management of the pretrial population in Baltimore City.

§5–201.

(a) There is a Division of Pretrial Detention and Services in the Department.

(b) The Division consists of:

(1) a Pretrial Release Services Program;

(2) a Baltimore City Detention Center; and

(3) a centralized booking facility for Baltimore City.

(c) The Division has the same authority with regard to the custody of its inmates and the operation of the Baltimore City Detention Center as:

(1) the Division of Correction has under this Code with regard to the custody of its inmates and the operation of the Division of Correction; and

(2) the sheriffs have under this Code with regard to the detention of inmates committed to their custody and the operation of local correctional facilities.

(d) This title does not limit or supersede the authority of a court to determine the conditions of pretrial release.

§5–202.

(a) With the approval of the Governor, the Secretary shall appoint a Commissioner of Pretrial Detention and Services.

(b) The Commissioner serves at the pleasure of the Secretary.

(c) The Commissioner:

(1) has the same authority over the Division as this Code vests in the Commissioner of Correction over the Division of Correction;

(2) shall keep safely any inmate committed or transferred to the custody of the Commissioner until the inmate is discharged in accordance with law;

(3) is in charge of the Division, subject to the authority of the Secretary;

(4) is the appointing authority for all employees of the Division;

(5) shall establish a home detention program under terms and conditions that the Secretary provides;

(6) may enter agreements with the Commissioner of Correction and governmental units for the housing of any inmate held in the Baltimore City Detention Center;

(7) may enter agreements for the housing of any inmate committed to federal or local governmental units in the Baltimore City Detention Center; and

(8) may enter other agreements necessary to carry out the purposes of this title.

(d) (1) Subject to paragraph (2) of this subsection and notwithstanding any other provision of law, the Commissioner shall establish by regulation the terms and conditions of the home detention program required under subsection (c)(5) of this section.

(2) The authority of a court to determine the conditions of pretrial release or to find that a defendant awaiting trial may not be placed on a home detention program may not be limited or superseded by:

(i) a regulation of the Division or Department; or

(ii) the Division or the Commissioner.

§5–203.

(a) With the approval of the Secretary, the Commissioner shall appoint a Deputy Commissioner of Pretrial Detention and Services.

(b) The Deputy Commissioner serves at the pleasure of the Commissioner.

(c) The Deputy Commissioner shall be the acting Commissioner in the absence of the Commissioner.

§5–301.

(a) There is a Pretrial Release Services Program in the Division.

(b) Subject to the authority of the Commissioner and in addition to any other duties established by law, the Pretrial Release Services Program shall perform the pretrial release duties formerly performed by the Pretrial Release Services Division of the Department of Public Safety and Correctional Services, the Pretrial Release Committee, and the Division of Parole and Probation.

§5–302.

(a) (1) With the approval of the Secretary, the Commissioner shall appoint the Director and Deputy Director of the Pretrial Release Services Program.

(2) The Director is the head of the Pretrial Release Services Program.

(b) (1) The Director and Deputy Director of the Pretrial Release Services Program serve at the pleasure of the Commissioner.

(2) The Director and Deputy Director are entitled to the compensation provided in the State budget.

§5–401.

(a) There is a Baltimore City Detention Center in the Division.

(b) The Baltimore City Detention Center is a pretrial detention facility for inmates committed or transferred to the custody of the Commissioner.

(c) The Secretary may authorize the housing in the Baltimore City Detention Center of any inmate held in custody under any unit in the Department.

§5–402.

(a) With the approval of the Secretary, the Commissioner shall appoint a warden of the Baltimore City Detention Center.

(b) The warden serves at the pleasure of the Commissioner.

(c) Subject to the authority of the Commissioner and the Secretary, the warden is in charge of the Baltimore City Detention Center.

§5–403.

(a) The Commissioner may appoint assistant wardens for the Baltimore City Detention Center as provided in the State budget.

(b) An assistant warden serves at the pleasure of the Commissioner.

(c) Subject to the authority of the Commissioner and the Secretary, in the absence of the warden, an assistant warden designated by the warden is in charge of the Baltimore City Detention Center.

§5–404.

(a) The Division shall operate a centralized booking facility for Baltimore City.

(b) The centralized booking facility shall include:

(1) pretrial release services;

(2) District Court Commissioners;

(3) an Office of the State's Attorney for Baltimore City; and

(4) Baltimore City Police Services.

(c) The centralized booking facility or the Baltimore City Detention Center shall be equipped for video bail review.

§5–405.

(a) An inmate in the Baltimore City Detention Center who is sick, injured, or disabled shall:

(1) reimburse the State, as appropriate, for the payment of medical expenses; and

(2) provide the warden with any information relating to:

(i) the existence of any health insurance, group health plan, or prepaid medical care coverage under which the inmate is insured or covered;

(ii) the inmate's eligibility for benefits under the Maryland Medical Assistance Program;

(iii) the name and address of the third party payor; and

(iv) any policy or other identifying number relating to items (i) through (iii) of this item.

(b) (1) In addition to obtaining any reimbursement authorized under subsection (a) of this section and subject to paragraph (4) of this subsection, the Department shall establish a reasonable fee, not to exceed $4, for each visit by an inmate to an institutional medical unit or noninstitutional physician, dentist, or optometrist.

(2) The per visit fee shall be deducted from an inmate's spending financial account, reserve financial account, or similar account held by the warden on behalf of the inmate.

(3) The fees collected under this subsection shall be deposited in the General Fund of the State.

(4) This subsection does not apply to a visit by an inmate to a medical unit or a physician, dentist, or optometrist if the visit is:

(i) required as a part of the intake process;

(ii) required for an initial physical examination;

(iii) due to a referral by a nurse or physician's assistant;

(iv) provided during a follow-up visit that is initiated by a medical professional from the Baltimore City Detention Center;

(v) initiated by a medical or mental health staff member of the Baltimore City Detention Center; or

(vi) required for necessary treatment.

(c) Subsections (a) and (b) of this section do not impose liability for reimbursement or payment of medical expenses on any person other than an inmate personally or through a person that provides insurance, coverage, or other benefits described under subsection (a) of this section.

§5–406.

(a) On the recommendation of a health care provider, the warden of the Baltimore City Detention Center and the warden's designees may authorize medical treatment of a juvenile inmate when in the judgment of the warden or a designee the treatment is required and a parent, guardian, or person in loco parentis of the juvenile is not available on a timely basis to give the authorization.

(b) The warden or the warden's designees may not be held liable for authorizing medical treatment under this section in good faith.

§6–101.

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

(b) (1) "Absconding" means willfully evading supervision.

(2) "Absconding" does not include missing a single appointment with a supervising authority.

(c) "Commission" means the Maryland Parole Commission.

(d) "Crime of violence" has the meaning stated in § 14–101 of the Criminal Law Article.

(e) "Criminal risk factors" means an individual's characteristics and behaviors that:

(1) affect the individual's risk of engaging in criminal behavior; and

(2) are diminished when addressed by effective treatment, supervision, and other support services, resulting in a reduced risk of criminal behavior.

(f) "Director" means the Director of the Division or the Director's designee.

(g) "Division" means the Division of Parole and Probation.

(h) "Mandatory supervision" has the meaning stated in § 7–101 of this article.

(i) "Offender" means an individual on parole or under mandatory supervision.

(j) "Parolee" means an individual who has been released on parole.

(k) "Program" means a home detention program established under § 6–108 of this subtitle.

(l) "Risk and needs assessment" means an actuarial tool validated on the State's correctional population that determines:

(1) an individual's risk of reoffending; and

(2) the criminal risk factors that, when addressed, reduce the individual's risk of reoffending.

(m) "Technical violation" means a violation of a condition of probation, parole, or mandatory supervision that does not involve:

(1) an arrest or a summons issued by a commissioner on a statement of charges filed by a law enforcement officer;

(2) a violation of a criminal prohibition other than a minor traffic offense;

(3) a violation of a no–contact or stay–away order; or

(4) absconding.

§6–102.

This subtitle does not apply to:

(1) an inmate retained in the custody of the Patuxent Institution for:

(i) examination to determine if the inmate is an eligible person, as defined in § 4-101 of this article; or

(ii) confinement as an eligible person under Title 4 of this article; or

(2) a juvenile committed to the jurisdiction of the Department of Juvenile Services or an institution or facility under its jurisdiction.

§6–103.

There is a Division of Parole and Probation in the Department.

§6–104.

(a) Subject to the authority of the Secretary and in addition to any other duties established by law, the Division:

(1) shall:

(i) administer a validated screening tool on each individual on parole or mandatory supervision under the supervision of the Division;

(ii) administer a risk and needs assessment and develop an individualized case plan for each individual on parole or mandatory supervision who has been screened as moderate or high risk to reoffend;

(iii) supervise an individual on parole or mandatory supervision based on the results of a validated screening tool or risk and needs assessment conducted under items (i) or (ii) of this item;

(iv) supervise an individual under mandatory supervision until the expiration of the individual's maximum term or terms of confinement;

(v) regularly inform the Commission of the activities of offenders who are supervised by the Division, including, if requested by the Commission, any graduated sanctions imposed under § 6–121 of this subtitle;

(vi) issue a warrant for the retaking of an offender charged with a violation of a condition of parole or mandatory supervision, if this authority is delegated by the Commission to the Director of the Division; and

(vii) administer the Drinking Driver Monitor Program, collect supervision fees, and adopt guidelines for collecting the monthly program fee assessed in accordance with § 6–115 of this subtitle; and

(2) may recommend:

(i) that the Commission modify any condition of parole or mandatory supervision; and

(ii) that the Commission issue a warrant for the retaking of an offender.

(b) Funding for the Drinking Driver Monitor Program shall be as provided in the State budget.

§6–105.

(a) With the approval of the Governor and the advice and consent of the Senate, the Secretary shall appoint the Director.

(b) The Director is the head of the Division.

(c) Before taking office, the appointee shall take the oath required by Article I, § 9 of the Maryland Constitution.

(d) The Director serves at the pleasure of the Secretary.

(e) The Director is entitled to the compensation provided in the State budget.

§6–106.

(a) There is a Warrant Apprehension Unit in the Division of Parole and Probation.

(b) The Director may authorize parole and probation employees of the Warrant Apprehension Unit to:

(1) execute warrants for the retaking of offenders;

(2) execute warrants for the arrest of probationers for whom a warrant is issued for an alleged violation of probation;

(3) obtain and execute search warrants as authorized under § 6–109 of this subtitle; and

(4) arrest offenders in the program as authorized under § 2–207 of the Criminal Procedure Article.

(c) A parole and probation employee who is authorized to make arrests under this section shall:

(1) meet the minimum qualifications required by the Maryland Police Training and Standards Commission; and

(2) complete satisfactorily the training prescribed by the Maryland Police Training and Standards Commission.

(d) A parole and probation employee who is authorized to make arrests under this section may also exercise the powers of a peace officer and police officer.

§6–107.

A sheriff or police officer authorized to serve criminal process or a parole and probation employee designated under § 6-106 of this subtitle who receives a warrant for the retaking of an alleged violator shall execute the warrant in accordance with the directions in the warrant.

§6–108. IN EFFECT

(a) With the Secretary's approval, the Director may establish a home detention program under which an offender may live in a private dwelling that the Director approves.

(b) An offender in the program shall be supervised by means of:

(1) electronic devices; and

(2) direct contact by employees of the Division.

(c) An offender is not eligible for the program if a violation of a condition of parole or mandatory supervision is based on the commission of a crime of violence.

(d) While in the program, an offender must remain in the offender's approved dwelling except:

(1) with the approval of the Director, to go directly to and from:

(i) the offender's approved place of employment;

(ii) a medical or mental health treatment facility; or

(iii) offices of the Department;

(2) as required by legitimate medical or other emergencies; or

(3) as otherwise allowed or directed by the Director.

(e) (1) An offender in the program is responsible for all of the offender's living expenses, including those for food, clothing, medical care, shelter, and utilities.

(2) Unless otherwise allowed by the Commission, as a condition of participation in the program, an offender shall make any court ordered payments for the support of dependents.

(f) (1) After determining the amount of reasonable payments necessary to satisfy court ordered restitution, fines, court costs, and other fees that are legally collectible, the Division shall establish a reasonable fee for the cost of electronic monitoring and, except as provided in paragraph (2) of this subsection, collect the fee from each offender in the program.

(2) If the Division determines that an offender cannot afford to pay the fee established under paragraph (1) of this subsection, the Division may exempt the offender wholly or partly from the fee.

(g) An offender in the program is not an agent or employee of the Division.

(h) The Director shall employ parole and probation employees to supervise offenders in the program.

(i) The Commission may remove an offender from the program at any time and for any reason.

(j) (1) With the Secretary's approval, the Director shall adopt regulations to implement the program.

(2) Notwithstanding § 10–101(h)(2)(i) of the State Government Article, the regulations shall be adopted in accordance with the requirements of Title 10, Subtitle 1 of the State Government Article.

§6–108. ** TAKES EFFECT OCTOBER 1, 2021 PER CHAPTER 8 OF 2019 **

(a) With the Secretary's approval, the Director may establish a home detention program under which an offender may live in a private dwelling that the Director approves.

(b) An offender in the program shall be supervised by means of:

(1) electronic devices; and

(2) direct contact by employees of the Division.

(c) An offender is not eligible for the program if a violation of a condition of parole or mandatory supervision is based on the commission of a crime of violence.

(d) While in the program, an offender must remain in the offender's approved dwelling except:

(1) with the approval of the Director, to go directly to and from:

(i) the offender's approved place of employment;

(ii) a medical or mental health treatment facility; or

(iii) offices of the Department;

(2) as required by legitimate medical or other emergencies; or

(3) as otherwise allowed or directed by the Director.

(e) (1) An offender in the program is responsible for all of the offender's living expenses, including those for food, clothing, medical care, shelter, and utilities.

(2) Unless otherwise allowed by the Commission, as a condition of participation in the program, an offender shall make any court ordered payments for the support of dependents.

(f) (1) After determining the amount of reasonable payments necessary to satisfy court ordered restitution, fines, court costs, and other fees that are legally collectible, the Division shall establish a reasonable fee for the cost of electronic monitoring and, except as provided in paragraph (2) of this subsection, collect the fee from each offender in the program.

(2) If the Division determines that an offender cannot afford to pay the fee established under paragraph (1) of this subsection, the Division may exempt the offender wholly or partly from the fee.

(g) An offender in the program is not an agent or employee of the Division.

(h) The Director shall employ parole and probation employees to supervise offenders in the program.

(i) The Commission may remove an offender from the program at any time and for any reason.

(j) (1) With the Secretary's approval, the Director shall adopt regulations to implement the program.

(2) Notwithstanding § 10–101(g)(2)(i) of the State Government Article, the regulations shall be adopted in accordance with the requirements of Title 10, Subtitle 1 of the State Government Article.

§6–109.

(a) The Director may apply to a judge of the District Court or a circuit court for a search warrant to enter the approved dwelling of an offender in the program to search for the offender.

(b) An application for a search warrant shall:

(1) be in writing;

(2) be verified by the applicant; and

(3) describe the premises to be searched and the nature, scope, and purpose of the search.

(c) A judge who receives an application for a search warrant may issue a warrant on a finding that:

(1) the scope of the proposed search is reasonable; and

(2) obtaining consent to enter the premises may jeopardize the attempt to take custody of the offender.

(d) (1) A search warrant issued under this section shall specify the location of the premises to be searched.

(2) A search conducted in accordance with a search warrant issued under this section may not exceed the limits specified in the warrant.

(e) A search warrant issued under this section shall be executed and returned to the issuing judge:

(1) within the period specified in the warrant, which may not exceed 30 days from the date of issuance; or

(2) within 15 days after the warrant is issued, if no period is specified in the warrant.

§6–110.

Each duly qualified parole agent of the Division has visitorial powers over any correctional facility in which an inmate is confined on a criminal charge, whether the correctional facility is operated by the State or by a county or municipal corporation of the State.

§6–111.

If a court suspends the sentence of an individual convicted of a crime and orders the individual to continue under the supervision of the Division for a specified time or until ordered otherwise, the Division shall:

(1) administer a validated screening tool on the individual;

(2) administer a risk and needs assessment and develop an individualized case plan for each individual who has been screened as moderate or high risk to reoffend;

(3) supervise an individual based on the probation order and, to the extent not inconsistent with that order, on the results of a validated screening tool or risk and needs assessment conducted under items (1) or (2) of this section;

(4) notwithstanding any other law, impose graduated sanctions under § 6–121 of this subtitle in response to technical violations as an alternative to seeking revocation under § 6–223 or § 6–224 of the Criminal Procedure Article;

(5) provide prompt notice to the court of any technical violations committed and graduated sanctions imposed under § 6–121 of this subtitle; and

(6) report to the court on the individual's compliance.

§6–112.

(a) (1) On request of a court, a parole and probation agent of the Division shall:

(i) provide the court with a presentence investigation report;

(ii) conduct other investigations; and

(iii) perform other probationary services.

(2) Except on court order, a presentence investigation report is confidential and is not available for public inspection.

(3) On request, a presentence investigation report shall be made available to:

(i) the defendant;

(ii) the defendant's attorney;

(iii) the State's Attorney;

(iv) a correctional facility;

(v) a parole, probation, or pretrial release official of this State, any other state, or the United States;

(vi) a public or private mental health facility located in this State or any other state if the individual who is the subject of the report has been committed, or is being evaluated for commitment, to the facility for treatment as a condition of probation; or

(vii) a community substance abuse treatment provider located in this State or any other state if the individual who is the subject of the report will be treated or evaluated for treatment by the provider as a condition of probation.

(b) (1) If a circuit court is satisfied that a presentence investigation report would help the sentencing process, the court may order the Division to complete a report before:

(i) sentencing a defendant who is convicted of a felony or of a misdemeanor that resulted in serious physical injury or death to the victim to the jurisdiction of the Division of Correction; or

(ii) referring a defendant to the Patuxent Institution.

(2) The party that requests the report has the burden of establishing that the investigation should be ordered.

(3) If required under § 11-402 of the Criminal Procedure Article, the report shall include a victim impact statement.

(4) If the defendant has been convicted of a felony or misdemeanor that is related to the defendant's membership in a criminal gang, as defined in § 9-801 of the Criminal Law Article, the report may include information regarding the group affiliation of the defendant.

(c) (1) The Division shall complete a presentence investigation report in each case in which imprisonment for life without the possibility of parole is requested under § 2–203 of the Criminal Law Article.

(2) The report shall include a victim impact statement as provided under § 11–402 of the Criminal Procedure Article.

(3) The court or jury before which the separate sentencing proceeding is conducted under § 2–304 of the Criminal Law Article shall consider the report.

§6–113.

The Division and the Division of Correction shall keep the report submitted under § 15–105 of the Criminal Procedure Article on file so that each unit has an abstract of each case for which application for parole may be made under this article.

§6–114.

(a) The Division may establish a citizens' support unit to be known as "GUIDE", which stands for: give understanding, inspiration, direction, and encouragement.

(b) The unit shall consist of residents of the State who volunteer their time and services to aid in the education and counseling of parolees and probationers.

§6–115.

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

(2) "Program fee" means any fee the Division assesses on a supervisee the Division places in the Drinking Driver Monitor Program.

(3) "Supervisee" means a person that the court places under the supervision of the Division.

(4) "Supervision fee" means the fee the court orders under § 6-226 of the Criminal Procedure Article.

(b) All supervisees placed in the Drinking Driver Monitor Program by the Division shall be:

(1) subject to a monthly supervision fee in accordance with § 6–226 of the Criminal Procedure Article; and

(2) assessed a monthly program fee of $55 by the Division.

(c) (1) The Program fee imposed under this section shall be paid to the Division by all supervisees in the Drinking Driver Monitor Program.

(2) The Division shall pay the Program fees collected under this section into the Drinking Driver Monitor Program Fund.

(d) Notwithstanding subsections (b) and (c) of this section, the Division may exempt a supervisee as a whole or in part from the Program fee imposed under this section if:

(1) the supervisee has diligently tried but has been unable to obtain employment that provides sufficient income for the supervisee to pay the fee;

(2) (i) the supervisee is a student in a school, college, or university or is enrolled in a course of vocational or technical training designed to prepare the student for gainful employment; and

(ii) certification of student status is supplied to the Division by the institution in which the supervisee is enrolled;

(3) the supervisee has a handicap limiting employment, as determined by a physical or psychological examination accepted by the Division;

(4) the supervisee is responsible for the support of dependents and the payment of the fee is an undue hardship on the supervisee; or

(5) other extenuating circumstances exist.

§6–116.

(a) There is a Drinking Driver Monitor Program Fund.

(b) The Fund shall be used for all costs of the Drinking Driver Monitor Program.

(c) (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) The Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(d) The Fund consists of:

(1) the program fees paid by supervisees in the Drinking Driver Monitor Program; and

(2) investment earnings of the Fund.

(e) The money of the Fund shall be invested in the same manner as other State money.

(f) Expenditures from the Fund may be made only:

(1) in accordance with the State budget; or

(2) by the budget amendment procedure as provided in § 7-209 of the State Finance and Procurement Article.

(g) The Fund is subject to audit by the Office of Legislative Audits under § 2-1220 of the State Government Article.

§6–117.

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

(2) "Abatement" means an end to active supervision of a supervised individual, without effect on the legal expiration date of the case or the supervised individual's obligation to:

(i) obey all laws; and

(ii) obtain written permission from the Division of Parole and Probation before relocating the supervised individual's residence outside the State.

(3) "Earned compliance credit" means a 20–day reduction from the period of active supervision of the supervised individual for every month that a supervised individual:

(i) exhibits compliance with the conditions and goals of the supervised individual's probation, parole, or mandatory release supervision, as determined by the Department;

(ii) has no new arrests;

(iii) has not violated any conditions of no contact imposed on the supervised individual;

(iv) is current on court ordered payments for restitution, fines, and fees relating to the offense for which earned compliance credits are being accrued; and

(v) is current in completing any community supervision requirements included in the conditions of the supervised individual's probation, parole, or mandatory release supervision.

(4) (i) "Supervised individual" means an individual placed on probation by a court or serving a period of parole or mandatory release supervision after release from a correctional facility.

(ii) "Supervised individual" does not include:

1. a person incarcerated, on probation, or convicted in this State for a crime of violence;

2. a person incarcerated, on probation, or convicted in this State for a crime under Title 3, Subtitle 3 of the Criminal Law Article;

3. a person incarcerated, on probation, or convicted in this State for a violation of § 2–503, §§ 5–612 through 5–614, § 5–627, or § 5–628 of the Criminal Law Article;

4. a person registered or eligible for registration under Title 11, Subtitle 7 of the Criminal Procedure Article;

5. a person who was convicted in any other jurisdiction of a crime and the person's supervision was transferred to this State; or

6. a person who was convicted in this State of a crime and the person's supervision was transferred to another state.

(b) The Department shall:

(1) establish a program to implement earned compliance credits; and

(2) adopt policies and procedures to implement the program.

(c) (1) Notwithstanding any other law, the Maryland Parole Commission or the court shall adjust the period of a supervised individual's supervision on the recommendation of the Division of Parole and Probation for earned compliance credits accrued under a program created under this section.

(2) Once a combination of time served on probation, parole, or mandatory supervision, and earned compliance credits satisfy the supervised individual's active term of supervision, the Division shall place the individual on abatement.

(d) The Division shall:

(1) provide regular notification to a supervised individual of the tentative abatement transfer date; and

(2) develop policies for notifying a supervised individual of change to the abatement transfer date.

(e) At least 90 days before the date of transfer to abatement, the Division shall notify the Commission or the court of the impending transfer.

(f) A supervised individual whose period of active supervision has been completely reduced as a result of earned compliance credits shall remain on abatement until the expiration of the supervised individual's sentence, unless:

(1) the supervised individual consents to continued active supervision; or

(2) the supervised individual violates a condition of probation, parole, or mandatory release supervision including failure to pay a required payment of restitution.

(g) A supervised individual who is placed on abatement under this section may not be required to:

(1) regularly report to a parole or probation agent; or

(2) pay a supervision fee.

(h) If a supervised individual violates a condition of probation while on abatement, a court may order the supervised individual to be returned to active supervision.

(i) (1) Twenty–five percent of the savings realized by the Department as a result of the application of earned compliance credits shall revert to the Department.

(2) After the savings revert to the Department in accordance with paragraph (1) of this subsection, any remaining savings shall revert to the Performance Incentive Grant Fund established under § 9–3209 of the State Government Article.

(j) This section may not be construed to limit the authority of a court or the Parole Commission to extend probation, parole, or mandatory release supervision under § 6–222 of the Criminal Procedure Article.

(k) The Department shall develop an automated application for the tracking and awarding of earned compliance credits by the Division.

§6–118.

When considering disciplinary action related to the performance of a parole and probation employee, the Division shall consider the size of the employee's active caseload and the classification of the offenders within the employee's active caseload at the time of the event giving rise to the consideration of disciplinary action.

§6–119.

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

(2) "Evidence–based programs and practices" means programs proven by scientific research to reliably produce reductions in recidivism.

(3) "Innovative programs and practices" means programs that do not meet the standard of evidence–based practices but which preliminary research or data indicates will reduce the likelihood of offender recidivism.

(b) The Division shall use practicable and suitable methods that are consistent with evidence–based programs and practices and innovative programs and practices to aid and encourage a probationer or parolee to improve conduct, to reduce the risk of recidivism, and to pay restitution.

(c) The Division shall have an independent validation study conducted every 3 years on the risk and needs assessment tool.

§6–120.

The Department shall require all parole and probation agents and supervisors, Commission members, and hearing officers to undergo annual training based on the most current research, regarding:

(1) identifying, understanding, and targeting an individual's criminal risk factors;

(2) principles of effective risk interventions; and

(3) supporting and encouraging compliance and behavior change, including regarding the payment of restitution.

§6–121.

(a) This section shall apply to all individuals under the supervision of the Division.

(b) (1) The Division shall impose graduated sanctions in response to technical violations of conditions of supervision.

(2) Graduated sanctions may not include incarceration or involuntary detention.

(3) The Division shall provide notice to the court of a technical violation committed and a graduated sanction imposed as a result of the violation.

(c) The Department shall:

(1) establish a program to implement the use of graduated sanctions in response to technical violations of the conditions of community supervision;

(2) adopt policies and procedures to implement the program and to ensure that due process protections are in place for an individual under the supervision of the Division to challenge graduated sanctions imposed under the program; and

(3) develop a matrix to guide a parole and probation agent in determining the suitable response to a technical violation that includes a range of the most common violations and a range of possible noncustodial sanctions to be imposed.

(d) If the available graduated sanctions have been exhausted, the Division shall refer the individual to the court or the Commission for additional sanctions, including formal revocation of probation, parole, or mandatory supervision under § 7–401 or § 7–504 of this article or § 6–223 or § 6–224 of the Criminal Procedure Article.

§6–201.

This subtitle may be cited as the Interstate Compact for Adult Offender Supervision.

§6–202.

Article I. Purpose.

(a) The compacting states to this Interstate Compact recognize that:

(1) Each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the bylaws and rules of this Compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdictions; and

(2) Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

(b) It is the purpose of this Compact and the Interstate Commission created hereunder, through means of joint and cooperative action among the compacting states:

(1) To provide the framework for the promotion of public safety and protect the right of victims through the control and regulation of the interstate movement of offenders in the community;

(2) To provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and

(3) To equitably distribute the costs, benefits, and obligations of the Compact among the compacting states.

(c) This Compact will:

(1) Create an Interstate Commission which will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies which will promulgate rules to achieve the purpose of this Compact;

(2) Ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines;

(3) Establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators;

(4) Monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct noncompliance; and

(5) Coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.

(d) The compacting states recognize that there is no “right” of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under

supervision subject to the provisions of this Compact and bylaws and rules promulgated hereunder. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and are therefore public business.

§6–203.

Article II. Definitions.

(a) As used in this subtitle the following words have the meanings indicated, unless the context clearly requires a different construction.

(b) "Adult" means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.

(c) "Bylaws" means those bylaws established by the Interstate Commission for its governance, or for directing or controlling the Interstate Commission's actions or conduct.

(d) "Compact Administrator" means the individual in each compacting state appointed pursuant to the terms of this Compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this Compact, the rules adopted by the Interstate Commission, and policies adopted by the State Council under this Compact.

(e) "Compacting state" means any state which has enacted the enabling legislation for this Compact.

(f) "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this Compact.

(g) "Interstate Commission" means the Interstate Commission for Adult Offender Supervision established by this Compact.

(h) "Member" means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner.

(i) "Noncompacting state" means any state which has not enacted the enabling legislation for this Compact.

(j) "Offender" means an adult placed under, or subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies.

(k) "Person" means any individual, corporation, business enterprise, or other legal entity, either public or private.

(l) "Rules" means acts of the Interstate Commission, duly promulgated pursuant to Article VIII of this Compact, substantially affecting interested parties in addition to the Interstate Commission, which shall have the force and effect of law in the compacting states.

(m) "State" means a state of the United States, the District of Columbia, and any other territorial possessions of the United States.

(n) "State Council" means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article III of this Compact.

§6–204.

Article III. The Compact Commission.

(a) The compacting states hereby create the "Interstate Commission for Adult Offender Supervision". The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers, and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this Compact.

(b) The Interstate Commission shall consist of commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state. In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations; such noncommissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, and crime victims. All noncommissioner members of the Interstate Commission shall be ex officio (nonvoting) members. The Interstate Commission may provide in its bylaws for such additional, ex officio, nonvoting members as it deems necessary.

(c) Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission. The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional

meetings and, upon the request of 27 or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

(d) The Interstate Commission shall establish an Executive Committee which shall include Commission officers, members, and others as shall be determined by the bylaws. The Executive Committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact.

(e) The Executive Committee shall:

(1) Oversee the day-to-day activities managed by the Executive Director and Interstate Commission staff;

(2) Administer enforcement and compliance with the provisions of the Compact and its bylaws, as directed by the Interstate Commission; and

(3) Perform other duties as directed by the Commission or set forth in the bylaws.

§6–205.

Article IV. The State Council.

(a) Each member state shall create a State Council for Interstate Adult Offender Supervision which shall be responsible for the appointment of the commissioner who shall serve on the Interstate Commission from that state.

(b) Each State Council shall appoint as its commissioner the Compact Administrator from that state to serve on the Interstate Commission in such capacity under or pursuant to applicable law of the member state.

(c) While each member state may determine the membership of its own State Council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims' groups, and Compact Administrators.

(d) Each compacting state retains the right to determine the qualifications of the Compact Administrator who shall be appointed by the State Council or by the governor in consultation with the legislature and the judiciary.

(e) In addition to appointment of its commissioner to the national Interstate Commission, each State Council shall exercise oversight and advocacy concerning its

participation in Interstate Commission activities and other duties as may be determined by each member state including but not limited to, development of policy concerning operations and procedures of the Compact within that state.

§6–206.

Article V. Powers and Duties of the Interstate Commission.

The Interstate Commission shall have the following powers:

(1) To adopt a seal and suitable bylaws governing the management and operation of the Interstate Commission;

(2) To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting state to the extent and in the manner provided in this Compact;

(3) To oversee, supervise, and coordinate the interstate movement of offenders subject to the terms of this Compact and any bylaws adopted and rules promulgated by the Compact Commission;

(4) To enforce compliance with Compact provisions, Interstate Commission rules, and bylaws, using all necessary and proper means, including but not limited to, the use of judicial process;

(5) To establish and maintain offices;

(6) To purchase and maintain insurance and bonds;

(7) To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs;

(8) To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III of this Compact which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder;

(9) To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel;

(10) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same;

(11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed;

(12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed;

(13) To establish a budget and make expenditures and levy dues as provided in Article X of this Compact;

(14) To sue and be sued;

(15) To provide for dispute resolution among compacting states;

(16) To perform such functions as may be necessary or appropriate to achieve the purposes of this Compact;

(17) To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission;

(18) To coordinate education, training, and public awareness regarding the interstate movement of offenders for officials involved in such activity; and

(19) To establish uniform standards for the reporting, collecting, and exchanging of data.

§6–207.

Article VI. Organization and Operation of the Interstate Commission.

(a) The Interstate Commission shall, by a majority of the members, within 12 months of the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact, including, but not limited to:

(1) Establishing the fiscal year of the Interstate Commission;

(2) Establishing an Executive Committee and such other committees as may be necessary;

(3) Providing reasonable standards and procedures:

(i) For the establishment of committees; and

(ii) Governing any general or specific delegation of any authority or function of the Interstate Commission;

(4) Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

(5) Establishing the titles and responsibilities of the officers of the Interstate Commission;

(6) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Interstate Commission;

(7) Providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations;

(8) Providing transition rules for "start up" administration of the Compact; and

(9) Establishing standards and procedures for compliance and technical assistance in carrying out the Compact.

(b) Notwithstanding any civil service or other similar laws of any compacting state, the bylaws shall exclusively govern the personnel policies and programs of the Interstate Commission.

(c) (1) The Interstate Commission shall, by a majority of the members, elect from among its members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission.

(2) The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

(3) The Interstate Commission shall, through its Executive Committee, appoint or retain an Executive Director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The Executive Director shall serve as secretary to the Interstate Commission, and hire and supervise such other staff as may be authorized by the Interstate Commission, but shall not be a member.

(d) The Interstate Commission shall maintain its corporate books and records in accordance with the bylaws.

(e) (1) The members, officers, Executive Director, and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities; provided, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

(2) The Interstate Commission shall defend the commissioner of a compacting state, the commissioner's representatives or employees, or the Interstate Commission's representatives or employees in any civil action seeking to impose liability, arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities; provided, that the actual or alleged act, error or omission did not result from intentional wrongdoing on the part of such person.

(3) The Interstate Commission shall indemnify and hold the commissioner of a compacting state, the appointed designee or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

§6–208.

Article VII. Activities of the Interstate Commission.

(a) The Interstate Commission shall meet and take such actions as are consistent with the provisions of this Compact.

(b) Except as otherwise provided in this Compact and unless a greater percentage is required by the bylaws, in order to constitute an act of the Interstate Commission, such act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present.

(c) Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the Commissioners from that state, to cast a vote on behalf of the member state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person.

(d) The Interstate Commission shall meet at least once during each calendar year. The chairperson of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the members, shall call additional meetings.

(e) The Interstate Commission's bylaws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such rules, the Interstate Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

(f) (1) Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the Compact. The Interstate Commission shall promulgate rules consistent with the principles contained in the "Government in Sunshine Act", 5 U.S.C. Section 552b, as may be amended. The Interstate Commission and any of its committees may close a

meeting to the public where it determines by two–thirds vote that an open meeting would be likely to:

(i) Relate solely to the Interstate Commission's internal personnel practices and procedures;

(ii) Disclose matters specifically exempted from disclosure by statute;

(iii) Disclose trade secrets or commercial or financial information which is privileged or confidential;

(iv) Involve accusing any person of a crime or formally censuring any person;

(v) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(vi) Disclose investigatory records compiled for law enforcement purposes;

(vii) Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated entity for the purpose of regulation or supervision of such entity;

(viii) Disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity; and

(ix) Specifically relate to the Interstate Commission's issuance of a subpoena or its participation in a civil action or proceeding.

(2) For every meeting closed pursuant to this subsection, the Interstate Commission's chief legal officer shall publicly certify that, in the chief legal officer's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

(g) The Interstate Commission shall collect standardized data concerning the interstate movement of offenders as directed through its bylaws and rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements.

§6–209.

Article VIII. Rulemaking Functions of the Interstate Commission.

(a) The Interstate Commission shall promulgate rules in order to effectively and efficiently achieve the purposes of the Compact including transition rules governing administration of the Compact during the period in which it is being considered and enacted by the states.

(b) Rulemaking shall occur pursuant to the criteria set forth in this section and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 U.S.C. § 551 et seq., and the federal Advisory Committee Act, 5 U.S.C. App. § 1 et seq., as may be amended (hereinafter "APA"). All rules and amendments shall become binding as of the date specified in each rule or amendment.

(c) If a majority of the legislatures of the compacting states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any compacting state.

(d) When promulgating a rule, the Interstate Commission shall:

(1) Publish the proposed rule stating with particularity the text of the rule which is proposed and the reason for the proposed rule;

(2) Allow persons to submit written data, facts, opinions, and arguments, which information shall be publicly available;

(3) Provide an opportunity for an informal hearing; and

(4) Promulgate a final rule and its effective date, if appropriate, based on the rulemaking record.

(e) Not later than 60 days after a rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate

Commission's action is not supported by substantial evidence, (as defined in the APA), in the rulemaking record, the court shall hold the rule unlawful and set it aside.

(f) Subjects to be addressed within 12 months after the first meeting must at a minimum include:

(1) Notice to victims and opportunity to be heard;

(2) Offender registration and compliance;

(3) Violations/returns;

(4) Transfer procedures and forms;

(5) Eligibility for transfer;

(6) Collection of restitution and fees from offenders;

(7) Data collection and reporting;

(8) The level of supervision to be provided by the receiving state;

(9) Transition rules governing the operation of the Compact and the Interstate Commission during all or part of the period between the effective date of the Compact and the date on which the last eligible state adopts the Compact; and

(10) Mediation, arbitration, and dispute resolution.

(g) The existing rules governing the operation of the previous Compact superceded by this Act shall be null and void 12 months after the first meeting of the Interstate Commission created hereunder.

(h) Upon determination by the Interstate Commission that an emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, and in no event later than 90 days after the effective date of the rule.

§6–210.

Article IX. Oversight, Enforcement, and Dispute Resolution by the Interstate Commission.

(a) (1) The Interstate Commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.

(2) The courts and executive agencies in each compacting state shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any proceeding, and shall have standing to intervene in the proceeding for all purposes.

(b) (1) The compacting states shall report to the Interstate Commission on issues or activities of concern to them, and cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities.

(2) The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the Compact and which may arise among compacting states and noncompacting states.

(3) The Interstate Commission shall enact a bylaw or promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

(c) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact using any or all means set forth in § 6–213(b) of this subtitle.

§6–211.

Article X. Finance.

(a) The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of offenders in

each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.

(c) The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

(d) The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

§6–212.

Article XI. Compacting States, Effective Date and Amendment.

(a) Any state is eligible to become a compacting state.

(b) The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2002, or upon enactment into law by the 35th jurisdiction. Thereafter it shall become effective and binding, as to any other compacting state, upon enactment of the Compact into law by that state. The governors of nonmember states or their designees will be invited to participate in Interstate Commission activities on a nonvoting basis prior to adoption of the Compact by all states and territories of the United States.

(c) Amendments to the Compact may be proposed by the Interstate Commission for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

§6–213.

Article XII. Withdrawal, Default, Termination, and Judicial Enforcement.

(a) (1) Once effective, the Compact shall continue in force and remain binding upon each and every compacting state; provided, that a compacting state may withdraw from the Compact ("withdrawing state") by enacting a statute specifically repealing the statute which enacted the Compact into law.

(2) The effective date of withdrawal is the effective date of the repeal.

(3) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this Compact in the withdrawing state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

(4) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

(5) Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the Interstate Commission.

(b) (1) If the Interstate Commission determines that any compacting state has at any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this Compact, the bylaws, or any duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:

(i) Fines, fees, and costs in such amount as are deemed to be reasonable as fixed by the Interstate Commission;

(ii) Remedial training and technical assistance as directed by the Interstate Commission; or

(iii) Suspension and termination of membership in the Compact.

(2) (i) Suspension shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted.

(ii) Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice or chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the State Council.

(3) The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this Compact, Interstate Commission bylaws, or duly promulgated rules.

(4) The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed therein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this Compact shall be terminated from the effective date of suspension. Within 60 days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice or chief judicial officer, the majority and minority leaders of the defaulting state's legislature, and the State Council of such termination.

(5) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

(6) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state. Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

(c) The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated rules, and bylaws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

(d) (1) The Compact dissolves effective upon the date of the withdrawal or default of the compacting state which reduces membership in the Compact to one compacting state.

(2) Upon dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the bylaws.

§6–214.

Article XIII. Severability and Construction.

(a) The provision of this Compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provision of the Compact shall be enforceable.

(b) The provisions of this Compact shall be liberally constructed to effectuate its purposes.

§6–215.

Article XIV. Binding Effect of Compact and Other Laws.

(a) (1) Nothing in this subtitle prevents the enforcement of any other law of a compacting state that is not inconsistent with the Compact.

(2) All compacting states' laws conflicting with this Compact are superseded to the extent of the conflict.

(b) (1) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the compacting states.

(2) All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

(3) Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission action, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

(4) In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this Compact becomes effective.

§7–101.

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

(b) "Commission" means the Maryland Parole Commission.

(c) "Commissioner" means a member of the Maryland Parole Commission.

(d) "Commutation of sentence" means an act of clemency in which the Governor, by order, substitutes a lesser penalty for the grantee's offense for the penalty imposed by the court in which the grantee was convicted.

(e) "Conditional commutation of sentence" means a commutation of sentence that is dependent on compliance with conditions precedent or subsequent that the Governor specifies in the written order granting the commutation.

(f) "Conditional pardon" means a pardon that is dependent on compliance with conditions precedent or subsequent that the Governor specifies in the written order granting the pardon.

(g) (1) "Mandatory supervision" means a conditional release from confinement that is granted to an inmate under § 7-501 of this title.

(2) "Mandatory supervision" includes a conditional release granted before July 1, 1989 that was referred to as "mandatory release".

(h) "Pardon" means an act of clemency in which the Governor, by order, absolves the grantee from the guilt of the grantee's criminal acts and exempts the grantee from any penalties imposed by law for those criminal acts.

(i) "Parole" means a conditional release from confinement granted by the Commission to an inmate.

(j) "Parolee" means an inmate who has been released on parole.

(k) "Partial pardon" means a pardon that has been limited by the terms of the order granting the pardon to be of less effect than a full pardon.

(l) "Predetermined parole release agreement" means an agreement among the Commissioner of Correction, the Commission, and an inmate for the parole of the inmate at a predetermined time if, during the inmate's term of confinement, the inmate fulfills the conditions specified in the agreement.

(m) "Violent crime" means:

(1) a crime of violence as defined in § 14-101 of the Criminal Law Article; or

(2) burglary in the first, second, or third degree.

§7–102.

This title does not apply to:

(1) an inmate retained in the custody of Patuxent Institution for:

(i) examination to determine if the inmate is an eligible person, as defined in § 4-101 of this article; or

(ii) confinement as an eligible person under Title 4 of this article; or

(2) a juvenile committed to the jurisdiction of the Department of Juvenile Services or an institution or facility under its jurisdiction.

§7–103.

(a) In this section, "offender" has the meaning stated in § 6–101 of this article.

(b) The Department may issue a certificate of completion to an offender who:

(1) was supervised by the Department under conditions of:

(i) parole;

(ii) probation; or

(iii) mandatory release supervision;

(2) has completed all special and general conditions of supervision, including paying all required restitution, fines, fees, and other payment obligations; and

(3) is no longer under the jurisdiction of the Department.

§7–104.

(a) The Department shall issue a certificate of rehabilitation to an individual who:

(1) was convicted of a misdemeanor or felony that is not:

(i) a crime of violence, as defined in § 14–101 of the Criminal Law Article; or

(ii) a sexual offense for which registration is required under Title 11, Subtitle 7 of the Criminal Procedure Article;

(2) was supervised by the Division of Parole and Probation under conditions of:

(i) parole;

(ii) probation; or

(iii) mandatory release supervision;

(3) has completed all special and general conditions of supervision, including paying all required restitution, fines, fees, and other payment obligations; and

(4) is no longer under the jurisdiction of the Division of Parole and Probation.

(b) It is the policy of the State to encourage the employment of nonviolent ex–offenders and remove barriers to their ability to demonstrate fitness for occupational licenses or certifications required by the State.

(c) A licensing board may not deny an occupational license or certificate to an applicant who has been issued a certificate of rehabilitation solely on the basis that the applicant has previously been convicted of the crime that is the subject of the certificate of rehabilitation, unless the licensing board determines that:

(1) there is a direct relationship between the applicant's previous conviction and the specific occupational license or certificate sought; or

(2) the issuance of the license or certificate would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

(d) In making a determination under subsection (c) of this section, the licensing board shall consider:

(1) the policy of the State expressed in subsection (b) of this section;

(2) the specific duties and responsibilities required of a licensee or certificate holder;

(3) whether the applicant's previous conviction has any impact on the applicant's fitness or ability to perform the duties and responsibilities authorized by the license or certificate;

(4) the age of the applicant at the time of the conviction and the amount of time that has elapsed since the conviction;

(5) the seriousness of the offense for which the applicant was convicted;

(6) other information provided by the applicant or on the applicant's behalf with regard to the applicant's rehabilitation and good conduct; and

(7) the legitimate interest of the Department in protecting property and the safety and welfare of specific individuals or the general public.

(e) An individual may receive only one certificate of rehabilitation per lifetime.

(f) The Court of Appeals is not a licensing board for purposes of this section.

(g) The Department shall adopt regulations establishing an application and review process for a certificate of rehabilitation that allows the State's Attorney and the victim to object to the issuance of the certificate of rehabilitation.

§7–201.

There is a Maryland Parole Commission in the Department.

§7–202.

(a) (1) The Commission consists of ten members.

(2) With the approval of the Governor and the advice and consent of the Senate, the Secretary shall appoint the members of the Commission.

(b) Each commissioner shall:

(1) be appointed without regard to political affiliation;

(2) be a resident of the State; and

(3) have training and experience in law, sociology, psychology, psychiatry, education, social work, or criminology.

(c) Each commissioner:

(1) shall devote full time to the duties of the Commission; and

(2) may not have any other employment that conflicts with the commissioner's devotion of full time to the duties of the Commission.

(d) (1) The term of a commissioner is 6 years.

(2) At the end of a term, a commissioner continues to serve until a successor is appointed and qualifies.

(3) A commissioner who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(e) (1) With the approval of the Governor, the Secretary may remove a commissioner for disability, neglect of duty, or misconduct in office.

(2) Before removing a commissioner, the Secretary shall:

(i) give the commissioner written notice of the charges against the commissioner; and

(ii) hold a public hearing on the charges.

(f) (1) If a commissioner is unable to perform the commissioner's duties because of sickness, incapacity, or disqualification, the Secretary may appoint a hearing examiner to the Commission to perform those duties until that commissioner is able to resume those duties or until a new commissioner is appointed and qualifies.

(2) A hearing examiner appointed under this subsection is entitled to the same compensation as a commissioner.

(3) A hearing examiner appointed under this subsection may not participate in a proceeding before the Commission in which the hearing examiner participated as a hearing examiner.

(g) With the approval of the Governor, the Secretary shall designate a chairperson of the Commission from among its members.

§7–203.

(a) Each commissioner is entitled to:

(1) compensation in accordance with the State budget; and

(2) reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(b) The General Assembly may provide for an increase in the compensation of commissioners during their terms in the same proportion as any average compensation increase awarded to State employees generally.

§7–204.

(a) (1) The Commission shall appoint the staff necessary to perform the duties of the Commission.

(2) The activities of the staff may not duplicate or conflict with the functions and services of the Division of Parole and Probation.

(3) Except as otherwise provided by law, the staff is subject to the provisions of Title 6, Subtitle 4 of the State Personnel and Pensions Article.

(b) (1) (i) The Secretary may appoint the hearing examiners necessary to conduct parole release hearings under paragraph (2) of this subsection, as provided in the State budget.

(ii) Each hearing examiner shall:

1. be appointed without regard to political affiliation;

2. be a resident of the State; and

3. have training and experience in law, sociology, psychology, psychiatry, education, social work, or criminology.

(iii) A hearing examiner is entitled to compensation in accordance with the State budget.

(2) A hearing examiner or a commissioner acting as a hearing examiner may hear cases for parole release that are not required to be heard by the Commission under § 7-205(a)(3) of this subtitle.

§7–205.

(a) The Commission has the exclusive power to:

(1) authorize the parole of an individual sentenced under the laws of the State to any correctional facility in the State;

(2) negotiate, enter into, and sign predetermined parole release agreements as provided under subsection (b) of this section;

(3) hear cases for parole or administrative release in which:

(i) the Commissioner of Correction, after reviewing the recommendation of the appropriate managing official, objects to a parole;

(ii) the inmate was convicted of a homicide;

(iii) the inmate is serving a sentence of life imprisonment;

(iv) the parole hearing is open to the public under § 7–304 of this title;

(v) the inmate fails to meet the requirements of the administrative release process established under § 7–301.1 of this title;

(vi) a victim requests a hearing as provided under § 7–301.1 of this title; or

(vii) the Commission finds that a hearing for administrative release is necessary under § 7–301.1 of this title;

(4) hear exceptions to recommendations of a hearing examiner or a commissioner acting as a hearing examiner;

(5) review summarily all recommendations of a hearing examiner or a commissioner acting as a hearing examiner to which an exception has not been filed;

(6) hear a case for parole in absentia when an individual who was sentenced in this State to serve a term of imprisonment is in a correctional facility of a jurisdiction other than this State;

(7) hear cases of parole revocation;

(8) if delegated by the Governor, hear cases involving an alleged violation of a conditional pardon; and

(9) determine conditions for administrative release under § 7–301.1 of this title.

(b) (1) (i) The Commission may negotiate, enter into, and sign a predetermined parole release agreement with the Commissioner of Correction and an inmate under the jurisdiction of the Commission.

(ii) The agreement may provide for the release of the inmate on parole at a predetermined time if, during the inmate's term of confinement, the inmate participates in the programs designated by the Commission and fulfills any other conditions specified in the agreement.

(2) This subsection does not affect any diminution of an inmate's term of confinement awarded under Title 3, Subtitle 7 and §§ 9–506 and 9–513 of this article or an inmate's eligibility for administrative release under § 7–301.1 of this title.

(c) Each commissioner has visitorial powers over any correctional facility in which an individual is confined on a criminal charge, whether the correctional facility is operated by the State or by a county or municipal corporation of the State.

(d) As necessary to carry out its duties, the Commission may:

(1) issue subpoenas requiring the attendance and testimony of witnesses;

(2) administer oaths; and

(3) examine witnesses under oath, including any inmate who is confined in a correctional facility operated by the State or by a county or municipal corporation of the State.

(e) (1) A person who is personally served with a subpoena and who fails to appear or refuses to testify before the Commission is guilty of a misdemeanor and on conviction is subject to a fine of not more than $100.

(2) The fine imposed under paragraph (1) of this subsection shall be paid into the General Fund of the State.

(f) A witness who makes a false statement relating to a matter that is material to the Commission's inquiry while testifying before the Commission is guilty of perjury and on conviction is subject to the penalty of § 9–101 of the Criminal Law Article.

§7–206.

The Commission shall:

(1) evaluate information on the activities of parolees that the Division of Parole and Probation reports;

(2) issue warrants or delegate to the Director of the Division of Parole and Probation the authority to issue warrants to retake parolees who are charged with violating a condition of parole;

(3) review and make recommendations to the Governor:

(i) concerning parole of an inmate under a sentence of life imprisonment; and

(ii) if requested by the Governor, concerning a pardon, commutation of sentence, or other clemency;

(4) establish and modify general policy governing the conduct of parolees; and

(5) arrange for psychiatric or psychological examination of applicants for parole whenever the Commission believes that an examination will better enable it to decide on the advisability of parole, and include the expense for the examination in its annual budget.

§7–207. IN EFFECT

(a) (1) Subject to the approval of the Secretary, the Commission shall adopt regulations governing its policies and activities under this title.

(2) Notwithstanding the provisions of § 10–101(h)(2)(i) of the State Government Article, regulations adopted under paragraph (1) of this subsection shall comply with Title 10, Subtitle 1 of the State Government Article.

(b) The Commission may adopt regulations governing:

(1) the conduct of proceedings before it or the hearing examiners; and

(2) the review and disposition of written exceptions to the recommendation of a hearing examiner.

§7–207. ** TAKES EFFECT OCTOBER 1, 2021 PER CHAPTER 8 OF 2019 **

(a) (1) Subject to the approval of the Secretary, the Commission shall adopt regulations governing its policies and activities under this title.

(2) Notwithstanding the provisions of § 10–101(g)(2)(i) of the State Government Article, regulations adopted under paragraph (1) of this subsection shall comply with Title 10, Subtitle 1 of the State Government Article.

(b) The Commission may adopt regulations governing:

(1) the conduct of proceedings before it or the hearing examiners; and

(2) the review and disposition of written exceptions to the recommendation of a hearing examiner.

§7–208.

The Commission shall:

(1) maintain a record of its actions;

(2) make an annual report to the Governor of its work; and

(3) make appropriate recommendations for the improvement of its functions.

§7–301.

(a) (1) Except as otherwise provided in this section, the Commission shall request that the Division of Parole and Probation make an investigation for inmates in a local correctional facility and the Division of Correction make an investigation for inmates in a State correctional facility that will enable the Commission to determine the advisability of granting parole to an inmate who:

(i) has been sentenced under the laws of the State to serve a term of 6 months or more in a correctional facility; and

(ii) has served in confinement one–fourth of the inmate's aggregate sentence.

(2) Except as provided in paragraph (3) of this subsection, or as otherwise provided by law or in a predetermined parole release agreement, an inmate is not eligible for parole until the inmate has served in confinement one–fourth of the inmate's aggregate sentence.

(3) An inmate may be released on parole at any time in order to undergo drug or alcohol treatment, mental health treatment, or to participate in a residential program of treatment in the best interest of an inmate's expected or newborn child if the inmate:

(i) is not serving a sentence for a crime of violence, as defined in § 14–101 of the Criminal Law Article;

(ii) is not serving a sentence for a violation of Title 3, Subtitle 6, § 5–608(d), § 5–609(d), § 5–612, § 5–613, § 5–614, § 5–621, § 5–622, or § 5–628 of the Criminal Law Article; and

(iii) has been determined to be amenable to treatment.

(4) The Division of Parole and Probation shall complete and submit to the Commission each investigation of an inmate in a local correctional facility required under paragraph (1) of this subsection within 60 days of commitment.

(b) Except as provided in subsection (c) of this section, if an inmate has been sentenced to a term of imprisonment during which the inmate is eligible for parole and a term of imprisonment during which the inmate is not eligible for parole, the inmate is not eligible for parole consideration under subsection (a) of this section until the inmate has served the greater of:

(1) one–fourth of the inmate's aggregate sentence; or

(2) a period equal to the term during which the inmate is not eligible for parole.

(c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, an inmate who has been sentenced to the Division of Correction after being convicted of a violent crime committed on or after October 1, 1994, is not eligible for parole until the inmate has served the greater of:

1. one–half of the inmate's aggregate sentence for violent crimes; or

2. one–fourth of the inmate's total aggregate sentence.

(ii) An inmate who has been sentenced to the Division of Correction after being convicted of a violent crime committed on or after October 1, 1994, and who has been sentenced to more than one term of imprisonment, including a term during which the inmate is eligible for parole and a term during which the inmate is not eligible for parole, is not eligible for parole until the inmate has served the greater of:

1. one–half of the inmate's aggregate sentence for violent crimes;

2. one–fourth of the inmate's total aggregate sentence; or

3. a period equal to the term during which the inmate is not eligible for parole.

(2) An inmate who is serving a term of imprisonment for a violent crime committed on or after October 1, 1994, shall receive an administrative review of the inmate's progress in the correctional facility after the inmate has served the greater of:

(i) one–fourth of the inmate's aggregate sentence; or

(ii) if the inmate is serving a term of imprisonment that includes a mandatory term during which the inmate is not eligible for parole, a period equal to the term during which the inmate is not eligible for parole.

(d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an inmate who has been sentenced to life imprisonment is not eligible for parole consideration until the inmate has served 15 years or the equivalent of 15 years considering the allowances for diminution of the inmate's term of confinement under § 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

(2) An inmate who has been sentenced to life imprisonment as a result of a proceeding under former § 2–303 or § 2–304 of the Criminal Law Article is not eligible for parole consideration until the inmate has served 25 years or the equivalent of 25 years considering the allowances for diminution of the inmate's term of confinement under § 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

(3) (i) If an inmate has been sentenced to imprisonment for life without the possibility of parole under § 2–203 or § 2–304 of the Criminal Law Article,

the inmate is not eligible for parole consideration and may not be granted parole at any time during the inmate's sentence.

(ii) This paragraph does not restrict the authority of the Governor to pardon or remit any part of a sentence under § 7–601 of this title.

(4) Subject to paragraph (5) of this subsection, if eligible for parole under this subsection, an inmate serving a term of life imprisonment may only be paroled with the approval of the Governor.

(5) (i) If the Commission decides to grant parole to an inmate sentenced to life imprisonment who has served 25 years without application of diminution of confinement credits, the decision shall be transmitted to the Governor.

(ii) The Governor may disapprove the decision by written transmittal to the Commission.

(iii) If the Governor does not disapprove the decision within 180 days after receipt, the decision becomes effective.

(e) An inmate who is serving a term of imprisonment for a third or subsequent conviction of a felony violation of Title 5, Subtitle 6 of the Criminal Law Article committed on or after October 1, 2017, is not eligible for parole until the inmate has served in confinement one–half of the inmate's aggregate sentence.

§7–301.1.

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

(2) "Administrative release" means release of an eligible inmate who has served one–fourth of the inmate's sentence and met the requirements established under this section.

(3) "Eligible inmate" means an inmate who:

(i) has been sentenced under the laws of the State to serve a term of 6 months or more in a correctional facility;

(ii) is serving a sentence for which the most serious offense is:

1. a violation of §§ 5–601 through 5–606 of the Criminal Law Article; or

2. a violation involving a value of $1,500 or less of § 7–104, § 8–103, § 8–206, § 8–207, § 8–209, § 8–301, § 8–509, § 8–510, § 8–511, § 8–512, § 8–513, § 8–514, § 8–515, § 8–611, or § 8–801 of the Criminal Law Article;

(iii) does not have a prior conviction for:

1. a violent crime; or

2. a sexual offense for which registration is required under Title 11, Subtitle 7 of the Criminal Procedure Article;

(iv) does not have two or more convictions for a violation of §§ 5–602 through 5–606 of the Criminal Law Article; and

(v) if serving a sentence with a term of confinement that includes a mandatory minimum sentence, has served the mandatory portion of the sentence.

(4) "Victim" means:

(i) a person who is the victim of a crime committed by an eligible inmate; or

(ii) if the person described in item (i) of this paragraph is deceased, disabled, or a minor, a designated family member, guardian ad litem, or other representative of the person.

(b) (1) For an inmate in a correctional facility, the Commission shall:

(i) conduct an investigation to determine the inmate's eligibility for administrative release;

(ii) determine the conditions under which an eligible inmate may be released after having served one–fourth of the inmate's term of confinement; and

(iii) calculate a tentative release eligibility date for an eligible inmate.

(2) The investigations required under paragraph (1) of this subsection shall be completed and submitted to the Commission within 60 days of commitment.

(c) For an inmate in a local correctional facility, the Commission, in collaboration with the local correctional facility, shall consider the results of the investigation conducted under subsection (b)(1) of this section and develop an individual case plan with which an eligible inmate must comply in order to be released on administrative release.

(d) (1) The individual case plans developed under subsection (c) of this section and § 3–601(d) of this article shall include conditions that an inmate will be able to complete before the inmate's administrative release date.

(2) An individual case plan may include conditions that apply after an inmate is released on administrative release.

(e) (1) The Division of Correction and each local correctional facility shall:

(i) review the progress of an eligible inmate's case plan every 8 weeks from the date the case plan was developed;

(ii) send a progress report on each eligible inmate's case plan to the Commission every 4 months; and

(iii) send a progress report to the Commission of an eligible inmate's compliance or noncompliance with the case plan at least 30 days before the inmate's tentative administrative release eligibility date.

(2) The Commission may provide written input on the eligible inmate's progress toward completion of the case plan.

(f) (1) Notwithstanding the limitations on who is considered a victim in § 7–801 of this title, for purposes of this section, a victim has all the rights under this section that are granted to a victim under this title for a parole hearing.

(2) As provided in § 7–801 of this title, the Commission shall notify a victim of:

(i) the eligible inmate's administrative release eligibility date;

(ii) the victim's right to request an open hearing under § 7–304 of this subtitle; and

(iii) the victim's right to submit written testimony concerning the crime and the impact of the crime on the victim.

(g) The Commission shall authorize the release of an eligible inmate on administrative release, without a hearing before the Commission, at the inmate's release eligibility date if:

(1) the inmate has complied with the case plan developed under subsection (c) of this section or § 3–601(d) of this article;

(2) the inmate has not committed a category 1 rule violation, as defined in 12.02.27.04 of the Code of Maryland Regulations;

(3) a victim has not requested a hearing under subsection (f) of this section; and

(4) the Commission finds a hearing unnecessary considering the inmate's history, progress, and compliance.

(h) An individual on administrative release is subject to:

(1) the jurisdiction of the Commission in the same manner as a parolee; and

(2) all laws and conditions that apply to parolees.

(i) An eligible inmate who is not released on administrative release under this section is otherwise eligible for release as provided under this subtitle.

§7–302.

The Commission or the Commission's hearing examiners shall hear cases for parole release:

(1) at least once each month at each correctional facility in the Division of Correction; and

(2) as often as necessary at other correctional facilities in the State at which inmates eligible for parole consideration are confined.

§7–303.

(a) Before any hearing on parole release, the Commission shall give the inmate adequate and timely written notice of:

(1) the date, time, and place of the hearing; and

(2) the factors that the Commission or hearing examiner will consider in determining whether the inmate is suitable for parole.

(b) (1) (i) Except as provided in subparagraph (ii) of this paragraph, the notice also shall indicate that, before the hearing, the inmate or the inmate's representative may, on request, examine any document that the Commission or hearing examiner will use in determining whether the inmate is suitable for parole.

(ii) A document, or a portion of it, is not available for examination, if the Commission determines that:

1. the document or portion contains a diagnostic opinion;

2. the inmate's knowledge of the document or portion would disrupt seriously a program of rehabilitation;

3. the document or portion contains sources of information obtained on a promise of confidentiality; or

4. the document or portion is otherwise privileged.

(iii) If the Commission determines that a document or a portion of it is not available for examination, the Commission shall notify the inmate that:

1. the document or portion is not available for examination; and

2. on request and if appropriate, the Commission will provide the inmate or the inmate's representative with the substance of any information contained in the document or portion.

(2) The Commission shall delete the address and phone number of the victim or the victim's designated representative from a document before the inmate or the inmate's representative examines the document.

§7–304.

(a) A parole hearing shall be open to the public if:

(1) (i) a victim, as defined in § 7-801 of this title, makes a written request to the Department for notification and maintains a current address on file with the Department; or

(ii) a victim or a victim's representative files a notification request form under § 11-104 of the Criminal Procedure Article; and

(2) within a reasonable amount of time before a scheduled hearing, the victim makes a written request that the hearing be open to the public.

(b) The vote of each commissioner when acting collectively or in a panel, to approve or deny parole, and a vote to close or restrict access to a parole hearing under subsection (d) of this section, shall be made available to the public.

(c) Subject to subsection (d) of this section, the victim or victim's representative has the right to attend an open parole hearing.

(d) The Commission or a panel of commissioners may:

(1) restrict the number of individuals allowed to attend a parole hearing in accordance with physical limitations or security requirements of the facility where the hearing is held;

(2) deny admission or continued attendance at a parole hearing to an individual who:

(i) threatens or presents a danger to the security of the facility in which the hearing is being held;

(ii) threatens or presents a danger to other attendees or participants; or

(iii) disrupts the hearing;

(3) close a parole hearing to deliberate on the evidence and any other relevant information received at the hearing; or

(4) close a parole hearing on written request of the chief law enforcement official responsible for an ongoing criminal investigation related to the inmate, if the ongoing investigation could be compromised.

(e) This section does not limit the authority of the Commission to hold a parole hearing through the use of a video conference or other means of electronic transmission.

§7–305.

Each hearing examiner and commissioner determining whether an inmate is suitable for parole, and the Commission before entering into a predetermined parole release agreement, shall consider:

(1) the circumstances surrounding the crime;

(2) the physical, mental, and moral qualifications of the inmate;

(3) the progress of the inmate during confinement, including the academic progress of the inmate in the mandatory education program required under § 22–102 of the Education Article;

(4) a report on a drug or alcohol evaluation that has been conducted on the inmate, including any recommendations concerning the inmate's amenability for treatment and the availability of an appropriate treatment program;

(5) whether there is reasonable probability that the inmate, if released on parole, will remain at liberty without violating the law;

(6) whether release of the inmate on parole is compatible with the welfare of society;

(7) an updated victim impact statement or recommendation prepared under § 7–801 of this title;

(8) any recommendation made by the sentencing judge at the time of sentencing;

(9) any information that is presented to a commissioner at a meeting with the victim;

(10) any testimony presented to the Commission by the victim or the victim's designated representative under § 7–801 of this title; and

(11) compliance with the case plan developed under § 7–301.1 of this subtitle or § 3–601 of this article.

§7–306.

(a) (1) The chairperson of the Commission shall assign hearing examiners, or commissioners acting as hearing examiners, as required to hear cases for parole.

(2) Each proceeding before a hearing examiner shall be conducted in accordance with this section.

(b) The Commission shall keep a record of each hearing conducted by a hearing examiner.

(c) A hearing examiner shall determine if an inmate is suitable for parole in accordance with the factors and other information specified in § 7-305 of this subtitle.

(d) (1) At the conclusion of the hearing, the hearing examiner shall inform the inmate of the hearing examiner's recommendation for parole or denial of parole.

(2) Within 21 days after the hearing, the hearing examiner shall give to the Commission, the Commissioner of Correction, and the inmate a written report of the hearing examiner's findings and recommendation for parole or denial of parole.

(3) The Commissioner of Correction or the inmate may file with the Commission written exceptions to the report of a hearing examiner no later than 5 days after the report is received.

(e) (1) Subject to paragraph (2) of this subsection, one commissioner assigned by the chairperson of the Commission shall review summarily the recommendation of the hearing examiner.

(2) (i) The Commission, on its own initiative or on the filing of an exception, may schedule a hearing on the record by the entire Commission or by a panel of at least two commissioners assigned by the chairperson of the Commission.

(ii) The Commission or panel shall render a written decision on the appeal.

(iii) The decision of the Commission or panel is final.

(3) If an exception is not filed and the Commission does not act on its own initiative within the 5-day appeal period established under subsection (d)(3) of this section, the recommendation of the hearing examiner is approved.

§7–307.

(a) (1) The chairperson of the Commission shall assign at least two commissioners to hear cases for parole release as a panel.

(2) Each proceeding before a Commission panel shall be conducted in accordance with this section.

(b) (1) (i) A Commission panel that consists of two commissioners shall determine, by unanimous vote, whether the inmate is suitable for parole in accordance with the factors and other information specified in § 7-305 of this subtitle.

(ii) If the two-commissioner panel is unable to reach a unanimous decision, the chairperson of the Commission shall convene a three-commissioner panel as soon as practicable to rehear the case.

(2) A Commission panel that consists of three commissioners shall determine, by majority vote, whether the inmate is suitable for parole in accordance with the factors and other information specified in § 7-305 of this subtitle.

(c) (1) The Commission panel shall inform the inmate and the appropriate correctional authority of the Commission's decision as soon as possible.

(2) If parole is denied, the Commission shall give the inmate a written report of its findings within 30 days after the hearing.

§7–308.

(a) A parole shall be evidenced by a written order.

(b) Parole entitles the recipient:

(1) to leave the correctional facility in which the recipient was confined; and

(2) if the recipient satisfactorily complies with all the terms and conditions provided in the parole order, to serve the remainder of the recipient's term of confinement outside the confines of the correctional facility.

(c) A parolee remains in legal custody until the expiration of the parolee's full, undiminished term.

(d) The chairperson of the Commission shall file a copy of the parole order with the clerk of the court in which the parolee was sentenced.

§7–309.

(a) This section applies to any inmate who is sentenced to a term of incarceration for which all sentences being served, including any life sentence, are with the possibility of parole.

(b) An inmate who is so chronically debilitated or incapacitated by a medical or mental health condition, disease, or syndrome as to be physically incapable of presenting a danger to society may be released on medical parole at any time during the term of that inmate's sentence, without regard to the eligibility standards specified in § 7–301 of this subtitle.

(c) (1) A request for a medical parole under this section may be filed with the Maryland Parole Commission by:

(i) the inmate seeking the medical parole;

(ii) an attorney;

(iii) a prison official or employee;

(iv) a medical professional;

(v) a family member; or

(vi) any other person.

(2) The request shall be in writing and shall articulate the grounds that support the appropriateness of granting the medical parole.

(d) Following review of the request, the Commission may:

(1) find the request to be inconsistent with the best interests of public safety and take no further action; or

(2) request that department or local correctional facility personnel provide information for formal consideration of parole release.

(e) The information to be considered by the Commission before granting medical parole shall, at a minimum, include:

(1) (i) a recommendation by the medical professional treating the inmate under contract with the Department or local correctional facility; or

(ii) if requested by an individual identified in subsection (c)(1) of this section, one medical evaluation conducted at no cost to the inmate by a medical

professional who is independent from the Division of Correction or local correctional facility;

(2) the inmate's medical information, including:

(i) a description of the inmate's condition, disease, or syndrome;

(ii) a prognosis concerning the likelihood of recovery from the condition, disease, or syndrome;

(iii) a description of the inmate's physical incapacity and score on the Karnofsky Performance Scale Index or similar classification of physical impairment; and

(iv) a mental health evaluation, where relevant;

(3) discharge information, including:

(i) availability of treatment or professional services within the community;

(ii) family support within the community; and

(iii) housing availability, including hospital or hospice care; and

(4) case management information, including:

(i) the circumstances of the current offense;

(ii) institutional history;

(iii) pending charges, sentences in other jurisdictions, and any other detainers; and

(iv) criminal history information.

(f) The Commission may require as a condition of release on medical parole that:

(1) the parolee agree to placement for a definite or indefinite period of time in a hospital or hospice or other housing accommodation suitable to the

parolee's medical condition, including the family home of the parolee, as specified by the Commission or the supervising agent; and

(2) the parolee forward authentic copies of applicable medical records to indicate that the particular medical condition giving rise to the release continues to exist.

(g) (1) If the Commission has reason to believe that a parolee is no longer so debilitated or incapacitated as to be physically incapable of presenting a danger to society, the parolee shall be returned to the custody of the Division of Correction or the local correctional facility from which the inmate was released.

(2) (i) A parole hearing for a parolee returned to custody shall be held to consider whether the parolee remains incapacitated and shall be heard promptly.

(ii) A parolee returned to custody under this subsection shall be maintained in custody, if the incapacitation is found to no longer exist.

(3) An inmate whose medical parole is revoked for lack of continued incapacitation may be considered for parole in accordance with the eligibility requirements specified in § 7–301 of this subtitle.

(h) (1) Subject to paragraph (2) of this subsection, provisions of law relating to victim notification and opportunity to be heard shall apply to proceedings relating to medical parole.

(2) In cases of imminent death, time limits relating to victim notification and opportunity to be heard may be reduced or waived in the discretion of the Commission.

(i) (1) If the Commission decides to grant medical parole to an inmate sentenced to life imprisonment, the decision shall be transmitted to the Governor.

(2) The Governor may disapprove the decision by written transmittal to the Commission.

(3) If the Governor does not disapprove the decision within 180 days after receipt of the written transmittal, the decision becomes effective.

(j) The Commission shall issue regulations to implement the provisions of this section.

§7–401.

(a) If a parolee is alleged to have violated a condition of parole, one commissioner shall hear the case on revocation of the parole at the time and place that the Commission designates.

(b) (1) Each individual charged with a parole violation is entitled to be represented by counsel of the individual's choice or, if eligible, counsel provided by the Public Defender's office.

(2) The Commission shall keep a record of the hearing.

(c) If the commissioner finds from the evidence that the parolee has violated a condition of parole, the commissioner may take any action that the commissioner considers appropriate, including:

(1) (i) subject to subsection (d)(1) of this section, revoking the order of parole;

(ii) setting a future hearing date for consideration for reparole; and

(iii) remanding the individual to the Division of Correction or local correctional facility from which the individual was paroled; or

(2) continuing parole:

(i) without modification of its conditions; or

(ii) with modification of its conditions, including a requirement that the parolee spend all or part of the remaining parole period in a home detention program.

(d) (1) Subject to paragraph (4) of this subsection, if an order of parole is revoked due to a technical violation, as defined in § 6–101 of this article, the commissioner hearing the parole revocation may require the individual to serve a period of imprisonment of:

(i) for a first violation, not more than 15 days;

(ii) for a second violation, not more than 30 days; and

(iii) for a third violation, not more than 45 days.

(2) Subject to paragraph (3) of this subsection and further action by the Commission, if the order of parole is revoked for a fourth or subsequent technical violation or a violation that is not a technical violation, the commissioner hearing the parole revocation, in the commissioner's discretion, may require the inmate to serve any unserved portion of the sentence originally imposed.

(3) An inmate may not receive credit for time between release on parole and revocation of parole if:

(i) the inmate was serving a sentence for a violent crime when parole was revoked; and

(ii) the parole was revoked due to a finding that the inmate committed a violent crime while on parole.

(4) (i) There is a rebuttable presumption that the limits on the period of imprisonment that may be imposed for a technical violation established in paragraph (1) of this subsection are applicable.

(ii) The presumption may be rebutted if a commissioner finds and states on the record, after consideration of the following factors, that adhering to the limits on the period of imprisonment established under paragraph (1) of this subsection would create a risk to public safety, a victim, or a witness:

1. the nature of the parole violation;

2. the facts and circumstances of the crime for which the parolee was convicted; and

3. the parolee's history.

(iii) On finding that adhering to the limits would create a risk to public safety, a victim, or a witness under subparagraph (ii) of this paragraph, the commissioner may:

1. direct imposition of a longer period of imprisonment than provided in paragraph (1) of this subsection, but no more than the time remaining on the original sentence; or

2. commit the parolee to the Maryland Department of Health for treatment under § 8–507 of the Health – General Article.

(iv) A finding under subparagraph (ii) of this paragraph or an action under subparagraph (iii) of this paragraph is subject to appeal under Title 12, Subtitle 3 or Subtitle 4 of the Courts Article.

(e) Subject to subsection (d) of this section, if a sentence has commenced as provided under § 9–202(c)(2) of this article and the inmate is serving that sentence when the order of parole is revoked, any reimposed portion of the sentence originally imposed shall begin at the expiration of any sentences which were begun under § 9–202(c)(2) of this article.

(f) (1) The inmate may seek judicial review in the circuit court within 30 days after receiving the written decision of the Commission.

(2) The court shall hear the action on the record.

§7–402.

(a) (1) On recommendation of the Division of Parole and Probation or on the Commission's own initiative, the Commission may modify the conditions of parole at any time for good cause.

(2) The modification may include imposing home detention as a condition of parole.

(b) (1) The Commission shall adopt procedures for the modification of conditions of parole that give a parolee an opportunity to show why the conditions should not be modified.

(2) This section does not require a hearing or establish a right of judicial review.

§7–403.

(a) (1) If a parolee is convicted of a crime committed while on parole and is sentenced to an additional term of imprisonment in any correctional facility in this State, the court shall determine if the new sentence is to run concurrently or consecutively, as required under Maryland Rule 4–351(a)(5).

(2) If the new sentence is to run consecutively:

(i) the new sentence shall begin as provided in § 9–202(c) of this article; and

(ii) any reimposition of the original sentence on parole shall begin as provided in § 7–401 of this subtitle.

(b) If a parolee is convicted in another state of a crime committed while on parole and is sentenced to serve a term of imprisonment in a correctional facility in the other state, the Commission shall file with the managing official of the correctional facility in the other state a declaration of violation of parole to serve as a detainer on the parolee's release from the correctional facility.

§7–501.

(a) Except as provided in subsection (b) of this section, the Division of Correction shall grant a conditional release from confinement to an inmate who:

(1) is serving a term of confinement of more than 18 months;

(2) was sentenced on or after July 2, 1970, to the jurisdiction of the Division of Correction; and

(3) has served the term or terms, less diminution credit awarded under Title 3, Subtitle 7 and Title 11, Subtitle 5 of this article.

(b) An inmate convicted of a violent crime committed on or after October 1, 2009, is not eligible for a conditional release under this section until after the inmate becomes eligible for parole under § 7–301(c) or (d) of this title.

§7–502.

(a) An individual on mandatory supervision remains in legal custody until the expiration of the individual's full term.

(b) An individual on mandatory supervision is subject to:

(1) all laws, rules, regulations, and conditions that apply to parolees; and

(2) any special conditions established by a commissioner.

(c) If an inmate is convicted and sentenced to imprisonment for a crime committed while on mandatory supervision and the mandatory supervision is revoked, diminution credits that were awarded before the inmate's release on mandatory supervision may not be applied toward the inmate's term of confinement on return to the Division.

§7–503.

(a) (1) Subject to paragraph (2) of this subsection, the Division of Correction shall issue a written order before an inmate is released on mandatory supervision that specifies the terms and conditions that must be met by the inmate in order for the inmate to serve the remainder of the inmate's term outside a correctional facility.

(2) Paragraph (1) of this subsection does not apply in the case of an inmate who is released to a detainer.

(b) If a court previously ordered an individual to pay restitution as a part of a sentence or as a condition of probation, the individual shall be required to make restitution payments while under mandatory supervision as a condition of mandatory supervision.

§7–504.

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

(2) "Technical violation" has the meaning stated in § 6–101 of this article.

(3) "Term of confinement" has the meaning stated in § 3–701 of this article.

(b) (1) Subject to paragraph (3) of this subsection, the commissioner presiding at an individual's mandatory supervision revocation hearing may revoke diminution credits previously earned by the individual on the individual's term of confinement in accordance with the following schedule:

(i) not more than 15 days for a first technical violation;

(ii) not more than 30 days for a second technical violation;

(iii) not more than 45 days for a third technical violation; and

(iv) up to all remaining days for a fourth or subsequent technical violation or a violation that is not a technical violation.

(2) Nothing in this section affects the prohibition against the application of diminution credits under § 7–502 of this subtitle to the term of confinement of an inmate convicted and sentenced to imprisonment for a crime committed while on mandatory supervision.

(3) (i) There is a rebuttable presumption that the limits on the revocation of diminution credits for a technical violation established in paragraph (1) of this subsection are applicable.

(ii) The presumption may be rebutted if a commissioner finds and states on the record, after consideration of the following factors, that adhering to the limits on the revocation of diminution credits established under paragraph (1) of this subsection would create a risk to public safety, a victim, or a witness:

1. the nature of the mandatory supervision violation;

2. the facts and circumstances of the crime for which the inmate was convicted; and

3. the inmate's history.

(iii) On finding that adhering to the limits would create a risk to public safety, a victim, or a witness under subparagraph (ii) of this paragraph, the commissioner may:

1. direct that a greater number of diminution credits be revoked than provided in paragraph (1) of this subsection; or

2. commit the inmate to the Maryland Department of Health for treatment under § 8–507 of the Health – General Article.

(iv) A finding under subparagraph (ii) of this paragraph or an action under subparagraph (iii) of this paragraph is subject to appeal under Title 12, Subtitle 3 or Title 12, Subtitle 4 of the Courts Article.

§7–505.

(a) At least 60 days before the day that an inmate is scheduled to be released on mandatory supervision, the Division of Parole and Probation and the Division of Correction shall perform the same duties that are performed for a parole release.

(b) If an inmate is released on mandatory supervision and the victim made a written request for notification under § 7–801(b)(1)(ii) of this title or if the victim or the victim's representative filed a notification request form under § 11–104 of the Criminal Procedure Article, the Department shall notify the victim or victim's representative:

(1) if a warrant or subpoena is issued by the Commission for an alleged violation of a condition of mandatory supervision;

(2) if the individual has been found in violation or not in violation of a condition of mandatory supervision; and

(3) of any punishment imposed for the individual's violation of a condition of mandatory supervision.

§7–506.

This subtitle does not prevent the delivery of an inmate to a State or federal authority that is entitled to the inmate.

§7–601.

(a) On giving the notice required by the Maryland Constitution, the Governor may:

(1) change a sentence of death into a sentence of life without the possibility of parole;

(2) pardon an individual convicted of a crime subject to any conditions the Governor requires; or

(3) remit any part of a sentence of imprisonment subject to any conditions the Governor requires, without the remission operating as a full pardon.

(b) (1) A pardon or commutation of sentence shall be evidenced by a written executive order signed by the Governor under the great seal.

(2) An order granting a pardon or conditional pardon shall clearly indicate on its face whether it is a partial or full pardon.

(c) There is a presumption that the grantee of a pardon was lawfully and properly convicted of a crime against the State unless the order granting the pardon states that the grantee has been shown conclusively to have been convicted in error.

§7–602.

(a) Unless the order granting a pardon provides otherwise, the Governor is the sole judge of whether a condition of a conditional pardon has been violated.

(b) A determination by the Governor that a condition of a conditional pardon has been violated by the grantee is final and not subject to review by any court of the State.

§7–603.

Unless the Governor orders otherwise, if the Governor revokes a conditional pardon for a breach of any of its conditions, the individual released on the conditional pardon:

(1) shall serve the unserved portion of the sentence originally imposed; and

(2) may not be granted credit for serving any portion of the original sentence during the time that the individual was released under the conditional pardon.

§7–701.

(a) If the Commission grants parole to an individual whom a court has ordered to make restitution as part of a sentence or as a condition of probation, the Commission shall require the individual to make restitution payments while on parole as a condition of parole.

(b) Except as provided in subsection (c) of this section, a pardon, partial pardon, conditional pardon, commutation of sentence, or parole does not affect any judgment entered under Title 11, Subtitle 6 of the Criminal Procedure Article.

(c) If the Governor orders a pardon and states as a part of the order that the defendant was convicted in error, the order discharges any judgment against the defendant under Title 11, Subtitle 6 of the Criminal Procedure Article.

§7–702.

(a) In this section, "supervisee" means an individual supervised by the Division of Parole and Probation for the Commission.

(b) Unless a supervisee is exempted by the Commission under subsection (d) of this section, the Commission shall assess a monthly fee of $50 as a condition of supervision for each supervisee.

(c) (1) The fee assessed under subsection (b) of this section shall be paid to the Division of Parole and Probation.

(2) The Division of Parole and Probation shall pay all money collected under this section into the General Fund of the State.

(d) The Commission may exempt a supervisee wholly or partly from the fee assessed under subsection (b) of this section if:

(1) the supervisee has diligently attempted but has been unable to obtain employment that provides sufficient income for the supervisee to pay the fee;

(2) (i) the supervisee is a student in a school, college, or university or is enrolled in a course of vocational or technical training designed to prepare the supervisee for gainful employment; and

(ii) the institution in which the supervisee is enrolled supplies certification of student status to the Commission;

(3) the supervisee has a disability that limits possible employment, as determined by a physical or psychological examination that the Commission accepts or orders;

(4) the supervisee is responsible for the support of dependents and the payment of the fee constitutes an undue hardship on the supervisee; or

(5) other extenuating circumstances exist.

(e) The fee assessed under subsection (b) of this section is in addition to court costs and fines.

(f) (1) If a supervisee does not comply with the fee requirement:

(i) the Division of Parole and Probation shall notify the Commission; and

(ii) the Commission may revoke parole or mandatory supervision.

(2) The Commission shall conduct a hearing to determine if there are sufficient grounds to find the supervisee in violation of the fee requirement.

(3) At a hearing under this subsection, the Commission may consider:

(i) any material change in the supervisee's financial status;

(ii) good faith efforts of the supervisee to pay the fee; and

(iii) alternative means to assure payment of the fee before the period of supervision ends.

(g) (1) In addition to the fee assessed under subsection (b) of this section, the Division of Parole and Probation may require a supervisee to pay for drug or alcohol abuse testing that the Commission orders.

(2) If a supervisee fails to pay for drug or alcohol abuse testing as required by the Division of Parole and Probation, the Commission may revoke parole or mandatory supervision.

(3) If the Division of Parole and Probation determines that any of the criteria specified in subsection (d) of this section are applicable, the Division may exempt a supervisee wholly or partly from a payment for drug or alcohol abuse testing.

(h) The Division of Parole and Probation shall:

(1) adopt guidelines for collecting the supervision fee;

(2) adopt guidelines for collecting the cost of drug and alcohol abuse testing; and

(3) investigate requests for an exemption from payment if the Commission requests an investigation.

(i) The Division of Parole and Probation shall:

(1) keep records of all payments by each supervisee; and

(2) report delinquencies to the Commission.

(j) On release of a supervisee, the Department and the appropriate local detention center shall provide the supervisee with an oral and a written notice that:

(1) states the criteria listed in subsection (d) of this section that the Commission may use in determining whether to exempt a supervisee from the supervision fee assessed under subsection (b) of this section; and

(2) explains the process of applying for an exemption from the supervision fee.

§7–801.

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

(2) "Victim" has the meaning stated in § 11–104 of the Criminal Procedure Article.

(3) "Victim's representative" has the meaning stated in § 11–104 of the Criminal Procedure Article.

(b) (1) At least 90 days before an inmate's parole release hearing, the Department shall notify the victim or the victim's representative in writing, directed to the most current address on file, that the parole release hearing has been scheduled if:

(i) the victim or the victim's representative filed a notification request form under § 11–104 of the Criminal Procedure Article; or

(ii) the victim makes a written request to the Department for notification and maintains a current address on file with the Department.

(2) The victim may designate in writing to the Department the name and address of a representative who is a resident of the State to receive notice for the victim.

(c) (1) Not later than 30 days after the date of the Department's notice under subsection (b) of this section, the victim of a crime may submit to the Department a written request that the Division of Parole and Probation be required to complete an updated victim impact statement.

(2) If the victim submits a request as authorized by paragraph (1) of this subsection, the Department shall direct the Division of Parole and Probation to:

(i) complete the updated statement at least 30 days before the parole release hearing; and

(ii) send promptly the updated victim impact statement to the Commission.

(d) A victim may:

(1) at least 30 days before the parole release hearing:

(i) make a written recommendation to the Commission on the advisability of releasing the inmate on parole; and

(ii) request that the inmate be prohibited from having any contact with the victim as a condition of parole, mandatory supervision, work release, or other administrative release; and

(2) request a meeting with a commissioner.

(e) The Commission shall make an updated victim impact statement and a victim's written recommendation available for review by the inmate or the inmate's representative under § 7–303(b) of this title.

(f) The Commission shall consider an updated victim impact statement or victim's written recommendation at the parole release hearing.

(g) If a victim requested an open hearing under § 7–304 of this title, the victim may present oral testimony at the inmate's parole release hearing in a manner established in regulations adopted by the Commission.

(h) The Department shall notify promptly the victim or the victim's representative of the decision of the Commission regarding parole for the inmate.

§7–802.

(a) If an inmate is sentenced to the Division of Correction and, at the time of sentencing, the sentencing judge makes a written request for notification, the Commission shall:

(1) at least 90 days before the parole release hearing, notify the sentencing judge in writing that a parole release hearing is scheduled for the inmate; and

(2) promptly notify the sentencing judge of the Commission's final decision regarding parole for the inmate.

(b) The Commission shall make any recommendation made by the sentencing judge at the time of sentencing available for review by the inmate or the inmate's representative under § 7-303(b) of this title.

§7–803.

(a) If a victim made a written request for notification under § 7–801(b)(1)(ii) of this subtitle or if a victim or a victim's representative has filed a notification

request form under § 11–104 of the Criminal Procedure Article, the Commission, if practicable, shall notify the victim in writing at least 90 days before entering into or signing a predetermined parole release agreement with an inmate.

(b) The Commission may not enter into a predetermined parole release agreement unless the Commission has notified the victim under subsection (a) of this section.

§7–804.

If an individual was convicted of a crime and the victim made a written request for notification under § 7–801(b)(1)(ii) of this subtitle or if the victim or the victim's representative filed a notification request form under § 11–104 of the Criminal Procedure Article, the Department shall notify the victim or the victim's representative:

(1) that a warrant or subpoena was issued by the Commission for the individual's alleged violation of a condition of parole;

(2) that the individual has been found in violation or not in violation of a condition of parole; and

(3) of the punishment imposed on the individual for violating a condition of parole.

§7–805.

(a) If the victim made a written request to the Department for notification and maintains a current address on file with the Department or the victim or the victim's representative filed a notification request form under § 11–104 of the Criminal Procedure Article, the Department shall notify the victim or the victim's representative in writing that an inmate sentenced to the Division of Correction is being considered for a:

(1) commutation of sentence;

(2) pardon; or

(3) remission of sentence.

(b) (1) The victim may submit to the Commission a victim impact statement and recommendation.

(2) The Commission shall make the victim impact statement and recommendation available for review by the inmate or the inmate's representative subject to § 7–303(b) of this title.

(c) If a victim impact statement or recommendation is submitted under this section, the Commission shall consider the victim impact statement or recommendation.

(d) A victim may request a meeting with a commissioner.

(e) The Department shall notify promptly the victim or the victim's designated representative of the Commission's decision.

(f) The victim may designate in writing to the Department the name and address of a representative to receive notice for the victim.

§8–101.

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

(b) "Approved standards" means the standards described in § 8-103(b) of this subtitle.

(c) "Commission" means the Maryland Commission on Correctional Standards.

(d) "Minimum mandatory standards" means the standards described in § 8-103(a) of this subtitle.

§8–102.

The General Assembly finds that there is a need to improve the method of establishing standards for correctional facilities and programs and of ensuring compliance with these standards to better protect the health, safety, and welfare of the public by reducing incidents of crime.

§8–103.

(a) (1) With the advice of the Commission, the Secretary shall adopt regulations that establish minimum mandatory standards applicable to security and inmate control, inmate safety, inmate food services, inmate housing and sanitation, inmate rights, classification, hearings, victim notification, restitution, and administrative record keeping.

(2) The minimum mandatory standards adopted under paragraph (1) of this subsection shall apply to all State and local correctional facilities.

(b) (1) With the advice of the Commission, the Secretary shall adopt regulations that establish approved standards applicable to personnel, training, administration, management, planning and coordination, research and evaluation, physical plant, special management inmates, rules and discipline, mail and visiting, reception and orientation, property control, work programs, educational and vocational training, library services, religious services, recreational activities, counseling, release preparation, and volunteers.

(2) The approved standards adopted under paragraph (1) of this subsection:

(i) shall apply to all State correctional facilities; and

(ii) may be adopted, as a whole or in part, by a local correctional facility.

(c) The standards adopted under this section shall be consistent with federal and State law.

§8–105.

The standards adopted under § 8-103 of this subtitle shall be enforced as provided under §§ 8-112 through 8-114 of this subtitle.

§8–106.

There is a Maryland Commission on Correctional Standards in the Department.

§8–107.

(a) The Commission consists of the following 12 members:

(1) the Attorney General;

(2) the Secretary of General Services;

(3) the Secretary of Budget and Management; and

(4) the following nine members appointed by the Governor with the advice and consent of the Senate:

(i) two members of the public who are not directly employed in the field of corrections;

(ii) two correctional personnel from State government;

(iii) two correctional personnel from local government;

(iv) one official or employee of a national correctional accreditation organization;

(v) one elected official from a local governing body; and

(vi) one member who is licensed, certified, or registered by the State as a mental health or medical professional.

(b) (1) Except as provided in paragraph (2) of this subsection:

(i) the term of a member of the Commission is 3 years; and

(ii) the terms of the members of the Commission are staggered as required by the terms provided for members of the Commission on October 1, 1999.

(2) (i) The Attorney General, Secretary of General Services, and Secretary of Budget and Management shall serve as ex officio members of the Commission.

(ii) An ex officio member of the Commission may serve personally at any Commission meeting or designate a representative from the ex officio member's unit who may act at any Commission meeting to the same effect as if the ex officio member were personally present.

(c) (1) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(2) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

§8–108.

The Commission shall elect annually a chairperson and vice chairperson from among its members.

§8–109.

(a) A majority of the authorized membership of the Commission is a quorum.

(b) The Commission shall meet at the times determined by the Commission or its chairperson.

(c) A member of the Commission:

(1) may not receive compensation for service on the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

§8–110.

(a) The Commission shall report annually to the Governor and, subject to § 2–1257 of the State Government Article, to the General Assembly on the activities of the Commission.

(b) The Commission shall provide the Secretary and the governing body of each county and municipal corporation that has a correctional facility with a copy of its annual report.

§8–111.

(a) (1) With the approval of the Secretary, the Commission shall appoint an Executive Director.

(2) The Executive Director is a special appointment in the State Personnel Management System.

(b) The Executive Director serves at the pleasure of the Commission.

(c) The Executive Director shall perform administrative functions as the Commission directs.

(d) The Executive Director is entitled to compensation as provided in the State budget.

§8–112.

(a) (1) The Commission shall:

(i) advise the Secretary regarding all minimum mandatory standards and approved standards for State and local correctional facilities;

(ii) consult and coordinate with national bodies promulgating correctional standards to provide reasonable compatibility between the State standards and nationally established standards; and

(iii) consult and cooperate with other units of the State and local jurisdictions concerning correctional standards.

(2) The Commission may provide technical assistance to the extent authorized in the State budget to aid the State and local jurisdictions in their efforts to comply with minimum mandatory standards and approved standards.

(b) The Commission shall adopt regulations to carry out this subtitle.

(c) The Commission shall employ a staff necessary to carry out this subtitle as provided in the State budget.

§8–113.

(a) The Commission shall:

(1) establish and implement a process to inspect State and local correctional facilities to determine and certify compliance with applicable standards; and

(2) determine deadlines for remedial action and reinspection whenever inspection reports indicate noncompliance with applicable standards.

(b) The Commission may review and act on appeals from staff inspection reports.

§8–114.

(a) (1) If the Commission determines that a correctional facility is in violation of the minimum mandatory standards, the Commission shall send a compliance plan to the correctional facility.

(2) The compliance plan shall state:

(i) which minimum mandatory standards the correctional facility has violated;

(ii) the time, to be determined by the Commission, that the correctional facility has to address the violations; and

(iii) the date that the Commission shall reinspect the correctional facility to determine if the correctional facility has complied with the minimum mandatory standards.

(3) The Commission shall send a copy of the compliance plan to the executive and legislative body responsible for the correctional facility.

(b) (1) If, after sending a compliance plan and reinspecting a correctional facility under subsection (a) of this section, the Commission determines that the correctional facility is in violation of the minimum mandatory standards, the Commission shall send a letter of reprimand to the correctional facility.

(2) The letter of reprimand shall state:

(i) which minimum standards the correctional facility has violated;

(ii) the time, to be determined by the Commission but not to exceed 60 days, that the correctional facility has to address the violations; and

(iii) the date that the Commission will reinspect the correctional facility to determine if the correctional facility has complied with the minimum mandatory standards.

(3) The Commission shall send a copy of the letter of reprimand to the executive and legislative body responsible for the correctional facility.

(c) (1) If, after the Commission has sent a letter of reprimand to a correctional facility under subsection (b) of this section and reinspected the facility, the Commission determines that the correctional facility is in violation of the minimum mandatory standards, the Commission shall:

(i) conduct a full standards and performance audit of the correctional facility; or

(ii) periodically inspect the correctional facility until compliance is attained and send a report of each inspection to the executive and legislative bodies responsible for the correctional facility.

(2) When conducting a full standards and performance audit of a correctional facility, the Commission shall examine:

(i) the physical condition of the correctional facility;

(ii) the safety and treatment of inmates at the correctional facility;

(iii) whether the correctional facility has policies and procedures in place as required by the minimum mandatory standards; and

(iv) whether the correctional facility is following the required policies and procedures.

(3) When conducting a full standards and performance audit, the Commission shall have unrestricted access to the personnel and records of the correctional facility.

(4) (i) If the Commission lacks the expertise necessary to perform a part of the full standards and performance audit, the Commission may obtain assistance from sources with expertise in the specific standard.

(ii) If the Commission needs to obtain assistance, the correctional facility that is being audited shall reimburse the Commission for any cost incurred.

(5) (i) After completing a full standards and performance audit, the Commission shall send a letter to the correctional facility.

(ii) The letter shall contain:

1. a copy of the audit findings, including details on all areas where the correctional facility fails to comply with the minimum mandatory standards;

2. a statement of what actions the correctional facility must take in order to comply with the audit findings;

3. a date when the correctional facility must comply with the audit findings; and

4. a statement that the Commission will conduct an unannounced inspection of the correctional facility within a reasonable amount of time after the date specified for compliance and that if the correctional facility fails to comply, the Commission may seek a court order requiring compliance or order all or part of the correctional facility to cease operations.

(iii) The Commission shall send a copy of the letter to the executive and legislative bodies responsible for the correctional facility.

(6) Within a reasonable time after the date specified for compliance, the Commission shall conduct an unannounced inspection to verify that the correctional facility has complied with the audit findings.

(d) (1) If, after performing an audit and unannounced inspection under subsection (c) of this section and holding a hearing on the issue, the Commission determines that a correctional facility has not complied with the audit findings, the Commission shall:

(i) petition a circuit court with venue over the proceeding for a court order requiring the correctional facility to comply with the audit findings; or

(ii) issue an order to cease operation of the correctional facility or any of its correctional elements, procedures, or functions.

(2) The Commission shall provide to a correctional facility reasonable notice of a hearing under paragraph (1) of this subsection.

(3) The Commission may subpoena witnesses and hold public hearings in accordance with Title 10, Subtitle 2 of the State Government Article before making a final decision on whether to seek a court order or close a correctional facility or any of its correctional elements, procedures, or functions.

§8–115.

(a) If the Commission or an authorized inspector finds a condition in a correctional facility that is life threatening or health endangering, the Commission or inspector may order the immediate cessation of operation.

(b) Within 96 hours after an order is issued under subsection (a) of this section, the Commission shall hold a review hearing to confirm or countermand the order.

(c) (1) If a correctional facility is ordered closed under this section, all inmates in the facility shall be transferred to and accepted in a suitable place of detention, as the Secretary determines.

(2) The governing body responsible for the cost of the closed facility shall pay the expenses incurred in transferring and maintaining inmates under paragraph (1) of this subsection.

§8–116.

(a) (1) The Commission shall establish advisory boards to assist the Commission in carrying out its powers and duties under this subtitle.

(2) The Commission may establish advisory boards on adult:

(i) detention centers and lockups;

(ii) community correctional facilities; and

(iii) correctional facilities other than those listed in items (i) and (ii) of this paragraph.

(b) The chairperson of the Commission shall appoint the members of an advisory board with the approval of the Commission.

(c) The chairperson of an advisory board shall be a Commission member.

§8–117.

The Commission may perform any acts necessary and appropriate to carry out the powers and duties set forth in this subtitle.

§8–201.

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

(b) "Approved correctional training school" means a school authorized by the Commission to offer training programs as provided under this subtitle.

(c) "Commission" means the Correctional Training Commission.

(d) "Correctional administrator" means a correctional officer who has been promoted from a supervisory rank to first-line administrative duties.

(e) (1) "Correctional officer" means a member of a correctional unit whose duties relate to the investigation, care, custody, control, or supervision of inmates and individuals who:

(i) have been placed on parole or mandatory supervision;

(ii) have been placed on probation; or

(iii) have received a suspended sentence.

(2) "Correctional officer" does not include:

(i) the head or deputy head of a correctional unit; or

(ii) a sheriff, warden, or superintendent or an individual with an equivalent title who is appointed or employed by a unit of government to exercise equivalent supervisory authority.

(f) "Correctional supervisor" means a correctional officer who has been promoted to first-line supervisory duties.

(g) (1) "Correctional unit" means a unit of State, county, or municipal government that is responsible under a statute, ordinance, or court order for the investigation, care, custody, control, and supervision of inmates and individuals who:

(i) have been placed on parole or mandatory supervision;

(ii) have been placed on probation; or

(iii) have received a suspended sentence.

(2) "Correctional unit" includes those facilities as set forth in § 9–226 of the Human Services Article and other facilities as designated by the Secretary of Juvenile Services.

(h) (1) "Department of Juvenile Services employee" means a youth supervisor, youth counselor, direct care worker, or other employee of the Department of Juvenile Services whose employment responsibility is the investigation, custody, control, or supervision of minors, juvenile delinquents, and youthful offenders who are committed, detained, awaiting placement, adjudicated delinquent, or are otherwise under the supervision of the Department of Juvenile Services.

(2) "Department of Juvenile Services employee" includes an employee of any nonprofit or for-profit entity under contract with the Department of Juvenile Services whose employment responsibility is the investigation, custody, control, or supervision of minors, juvenile delinquents, and youthful offenders as described under paragraph (1) of this subsection.

(i) "Permanent appointment" means an appointment that has permanent status.

§8–202.

The General Assembly finds that:

(1) there is a need to improve the administration of the correctional system to better protect the health, safety, and welfare of the public;

(2) the ultimate goal of the correctional system is to make the community safer by reducing the incidence of crime;

(3) establishing a correctional system with significantly increased power to reduce recidivism and prevent recruitment into criminal careers will require a sufficient number of qualified staff to perform the many tasks to be done;

(4) recent studies have revealed that greater training for correctional work is highly desirable;

(5) the need for training can be substantially met by creating educational and training programs for individuals seeking careers as correctional officers;

(6) while serving in a probationary capacity, a correctional officer should be required to receive efficient training provided at facilities that are approved by a commission that is authorized to approve training facilities;

(7) by qualifying and becoming proficient in the field of corrections, correctional officers shall individually and collectively better insure the health, safety, and welfare of the public; and

(8) Department of Juvenile Services employees should have specific and appropriate training for that population.

§8–203.

There is a Correctional Training Commission in the Department.

§8–204.

(a) The Commission consists of the following members:

(1) the Secretary of Public Safety and Correctional Services;

(2) the Secretary of Juvenile Services;

(3) a representative of the Department of Public Safety and Correctional Services, designated by the Secretary of Public Safety and Correctional Services;

(4) a representative of the Department of Juvenile Services, designated by the Secretary of Juvenile Services;

(5) a Deputy Secretary of Public Safety and Correctional Services;

(6) the president of the Maryland Correctional Administrators Association;

(7) the president of the Maryland Sheriffs Association;

(8) the president of the Maryland Criminal Justice Association;

(9) a representative of the Federal Bureau of Prisons, designated by its Director;

(10) the Attorney General of the State;

(11) the president of a university or college in the State with a correctional education curriculum, appointed by the Maryland Higher Education Commission;

(12) one correctional officer of the State recommended by the exclusive representative for the officers covered under Title 10, Subtitle 9 of this article and appointed by the Governor; and

(13) four correctional officers or officials of the State appointed under subsection (b) of this section.

(b) (1) The Governor shall appoint, with the advice and consent of the Senate, four correctional officers or officials to be members of the Commission, at least one of whom shall be a Department of Juvenile Services employee or official.

(2) The four members appointed under paragraph (1) of this subsection shall represent different geographic areas of the State.

(3) The term of a member who is appointed under paragraph (1) of this subsection is 3 years.

(4) The terms of the members who are appointed under paragraph (1) of this subsection are staggered as required by the terms provided for members of the Commission on October 1, 1999.

(5) (i) At the end of a term, a member who was appointed under paragraph (1) of this subsection continues to serve until a successor is appointed and qualifies.

(ii) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(c) Except for the four members appointed by the Governor under subsection (b) of this section, a member of the Commission may serve personally at a Commission meeting or designate a representative from the member's unit or association who may act at any meeting to the same effect as if the member were personally present.

§8–205.

(a) The Secretary of Public Safety and Correctional Services or the Secretary's representative is the chairperson of the Commission.

(b) The Commission shall elect annually a vice chairperson from among its members.

§8–206.

(a) (1) With the approval of the Secretary, the Commission shall appoint an Executive Director.

(2) The Executive Director shall perform general administrative functions.

(3) The Executive Director serves at the pleasure of the Commission.

(b) (1) With the approval of the Secretary, the Commission shall appoint a Deputy Director and any other employees that the Commission considers necessary to perform general administrative and training management functions.

(2) The Deputy Director and other employees appointed under paragraph (1) of this subsection shall serve at the pleasure of the Commission.

(c) In accordance with the State budget, the Commission may set the compensation of:

(1) the Executive Director and the Deputy Director; and

(2) a Commission employee in a position that:

(i) is unique to the Commission;

(ii) requires specific skills or experience to perform the duties of the position; and

(iii) does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.

(d) The Secretary of Budget and Management, in consultation with the Commission, shall determine the positions for which the Commission may set compensation under subsection (c) of this section.

§8–207.

(a) The Commission shall meet in the State at the times determined by:

(1) a majority of the authorized membership of the Commission;

(2) the chairperson of the Commission; or

(3) the Secretary.

(b) A majority of the authorized membership of the Commission is a quorum.

(c) A member of the Commission:

(1) may not receive compensation for service on the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(d) The Commission shall:

(1) maintain minutes of its meetings and any other records that it considers necessary; and

(2) provide information, on request, regarding the budget, activities, and programs of the Commission.

§8–208.

(a) Subject to the authority of the Secretary, the Commission has the following powers and duties:

(1) to prescribe standards for the approval and continuation of approval of schools that conduct correctional, parole, or probation entrance level and in–service training courses required by the Commission, including State, regional, county, and municipal training schools;

(2) to approve and issue certificates of approval to correctional training schools;

(3) to inspect correctional training schools;

(4) to revoke, for cause, any approval or certificate of approval issued to a correctional training school;

(5) to prescribe the following for correctional training schools:

(i) curriculum, including entrance–level and annual training in the proper use of electronic control devices, as defined in § 4–109 of the Criminal Law Article, for correctional officers who are issued an electronic control device by a correctional unit, consistent with established law enforcement standards and federal and State constitutional provisions;

(ii) courses of study;

(iii) attendance requirements;

(iv) eligibility requirements;

(v) equipment and facilities;

(vi) standards of operation; and

(vii) minimum qualifications for instructors;

(6) to certify and issue appropriate certificates to qualified instructors for approved correctional training schools;

(7) to certify and issue appropriate certificates to correctional officers who have satisfactorily completed training programs;

(8) to conduct and operate approved correctional training schools;

(9) to adopt regulations necessary to carry out this subtitle, including regulations that establish and enforce standards for prior substance abuse by individuals applying for certification as a correctional officer;

(10) to make a continuous study of correctional training methods and procedures for all correctional training schools;

(11) to consult with and accept the cooperation of any recognized federal, State, or municipal correctional agency or educational institution;

(12) to consult and cooperate with universities, colleges, and institutions to develop all general and specialized courses of study for correctional officers;

(13) to consult and cooperate with other units of the State concerned with correctional training;

(14) subject to subsection (b) of this section, to develop and implement specific program design and appropriate course curriculum and training for Department of Juvenile Services employees; and

(15) to perform any other act that is necessary or appropriate to carry out this subtitle.

(b) For any contract entered on or after July 1, 2000 between the Department of Juvenile Services and any nonprofit or for-profit entity, the cost and expenses for any course or training required under subsection (a)(14) of this section for Department of Juvenile Services employees of any nonprofit or for-profit entity under contract with the Department of Juvenile Services shall be paid for or reimbursed by the nonprofit or for-profit entity, and may not be a part of or reimbursed by funds from the contract with the Department of Juvenile Services.

§8–209.

(a) An individual may not be given or accept a probationary or permanent appointment as a correctional officer, correctional supervisor, or correctional administrator unless the individual satisfactorily meets minimum qualifications established by the Commission.

(b) A probationary appointment as a correctional officer, correctional supervisor, or correctional administrator may be made for no more than 1 year for the purpose of enabling the individual seeking permanent appointment to take a training course prescribed by the Commission.

(c) A probationary appointee is entitled to a leave of absence with pay during the period of the training program.

(d) The Commission shall establish the minimum qualifications for probationary or permanent appointment as a Department of Juvenile Services employee.

§8–209.1.

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

(2) "Applicant" means an individual who is seeking certification as:

(i) a correctional officer; or

(ii) a Department of Juvenile Services employee, as defined in § 8–201(h) of this subtitle.

(3) "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) An applicant for certification under this section shall apply to the Central Repository for a State and national criminal history records check.

(c) As part of the application for a criminal history records check, an applicant shall submit to the Central Repository:

(1) a complete set of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(3) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(d) In accordance with §§ 10–201 through 10–229 of the Criminal Procedure Article, the Central Repository shall forward to the Commission and the applicant the criminal history record information.

(e) Information obtained from the Central Repository under this section:

(1) shall be confidential;

(2) may not be redisseminated; and

(3) may be used only for the licensing purpose authorized by this title.

(f) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

(g) If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide to the Commission a revised statement of the applicant's or certified correctional officer's State criminal history record.

§8–209.2.

(a) The Commission may revoke the certification of a correctional officer or Department of Juvenile Services employee in conjunction with disciplinary action taken under Title 11 of the State Personnel and Pensions Article.

(b) (1) If the Office of Administrative Hearings rescinds or modifies a disciplinary action against a correctional officer under Title 11 of the State Personnel and Pensions Article, the Office of Administrative Hearings may reinstate the correctional officer's certification with no further examination or condition.

(2) If the court, acting under § 10–911 of this article, rescinds or modifies a disciplinary action against a correctional officer, the court may reinstate the correctional officer's certification with no further examination or condition.

(c) If the Office of Administrative Hearings rescinds or modifies a disciplinary action against a Department of Juvenile Services employee under Title 11 of the State Personnel and Pensions Article, the Office of Administrative Hearings may reinstate the employee's certification with no further examination or condition.

§8–210.

Except as expressly provided in this subtitle, this subtitle does not limit the powers, rights, duties, or responsibilities of a municipal or county government.

§8–401.

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

(b) "Agreement" means the Interstate Agreement on Detainers, which is set forth in §§ 8-402 through 8-411 of this subtitle.

(c) "Appropriate court" means, with reference to the courts of this State, a circuit court of a county or the District Court.

(d) "Correctional institution" means, with reference to the correctional institutions of this State, any State or local correctional facility.

§8–402.

The contracting states solemnly agree that:

§8–403.

Article I

The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations, or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this Agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations, or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this Agreement to provide such cooperative procedures.

§8–404.

Article II

(a) As used in this Agreement the following words have the meanings indicated.

(b) "Receiving state" means the state in which trial is to be had on an indictment, information, or complaint pursuant to § 8-405 or § 8-406 of this subtitle (Article III or IV of the Agreement).

(c) "Sending state" means a state in which a prisoner is incarcerated at the time that the prisoner initiates a request for final disposition pursuant to § 8-405 of this subtitle (Article III of the Agreement) or at the time that a request for custody or availability is initiated pursuant to § 8-406 of this subtitle (Article IV of the Agreement).

(d) "State" means a state of the United States, the United States of America, a territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

§8–405.

Article III

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information, or complaint on the basis of which a detainer has been lodged against the prisoner, the prisoner shall be brought to trial within 180 days after the prisoner shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of the prisoner's imprisonment and the prisoner's request for a final disposition to be made of the indictment, information, or complaint; provided that for good cause shown in open court, the prisoner or the prisoner's counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition required under subsection (a) of this section shall be given or sent by the prisoner to the warden, commissioner of corrections, or other official having custody of the prisoner, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, commissioner of corrections, or other official having custody of the prisoner shall promptly inform the prisoner of the source and contents of any detainer lodged against the prisoner and shall also inform the prisoner of the

prisoner's right to make a request for final disposition of the indictment, information, or complaint on which the detainer is based.

(d) Any request for final disposition made by a prisoner under subsection (a) of this section shall operate as a request for final disposition of all untried indictments, informations, or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections, or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent under this subsection shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information, or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, the indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner under subsection (a) of this section shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of subsection (d) of this section, and a waiver of extradition to the receiving state to serve any sentence there imposed on the prisoner, after completion of the prisoner's term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of the prisoner's body in any court where the prisoner's presence may be required in order to effectuate the purposes of this Agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this Agreement. Nothing in this subsection shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to the prisoner's execution of the request for final disposition described in subsection (a) of this section shall void the request.

§8–406.

Article IV

(a) The appropriate officer of the jurisdiction in which an untried indictment, information, or complaint is pending shall be entitled to have the prisoner against whom the officer has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with § 8-407(a) of this subtitle (Article V (a) of the Agreement) upon presentation of a written request for

temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated; provided that the court having jurisdiction of the indictment, information, or complaint shall have duly approved, recorded, and transmitted the request; and provided further that there shall be a period of 30 days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability either upon the governor's own motion or upon motion of the prisoner.

(b) Upon receipt of the officer's written request as provided under subsection (a) of this section, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. The authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(c) In respect of any proceeding made possible by this section (Article IV of the Agreement), trial shall be commenced within 120 days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or the prisoner's counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(d) Nothing contained in this section (Article IV of the Agreement) shall be construed to deprive any prisoner of any right that the prisoner may have to contest the legality of the prisoner's delivery under subsection (a) of this section, but the delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered the delivery.

(e) If trial is not had on any indictment, information, or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment under § 8-407(e) of this subtitle (Article V (e) of the Agreement), the indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the indictment, information, or complaint with prejudice.

§8–407.

Article V

(a) In response to a request made under § 8-405 or § 8-406 of this subtitle (Article III or IV of the Agreement), the appropriate authority in a sending state shall offer to deliver temporary custody of the prisoner to the appropriate authority in the state where the indictment, information, or complaint is pending against the prisoner in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice required under § 8-405 of this subtitle (Article III of the Agreement). In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this Agreement or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

(1) proper identification and evidence of the officer's authority to act for the state into whose temporary custody the prisoner is to be given; and

(2) a duly certified copy of the indictment, information, or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(c) If the appropriate authority shall refuse or fail to accept temporary custody of the person, or in the event that an action on the indictment, information, or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in § 8-405 or § 8-406 of this subtitle (Article III or IV of the Agreement), the appropriate court of the jurisdiction where the indictment, information, or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based on the indictment, information, or complaint shall cease to be of any force or effect.

(d) The temporary custody referred to in this Agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations, or complaints that form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for the prisoner's attendance at court and while being transported to or from any place at which the prisoner's presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this Agreement, the prisoner shall be returned to the sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this Agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction that imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this Agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state. Any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(h) From the time that a party state receives custody of a prisoner under this Agreement until the prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations, or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping, and returning the prisoner. The provisions of this subsection shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies, and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

§8–408.

Article VI

(a) In determining the duration and expiration dates of the time periods provided in §§ 8-405 and 8-406 of this subtitle (Articles III and IV of the Agreement), the running of these time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(b) No provision of this Agreement, and no remedy made available by this Agreement, shall apply to any person who is adjudged to be mentally ill.

§8–409.

Article VII

Each state party to this Agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations

to carry out more effectively the terms and provisions of this Agreement, and who shall provide, within and without the state, information necessary to the effective operation of this Agreement.

§8–410.

Article VIII

This Agreement shall enter into full force and effect as to a party state when the state has enacted this Agreement into law. A state party to this Agreement may withdraw herefrom by enacting a statute repealing the Agreement. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by prisoners or by state officers at the time the withdrawal takes effect, nor shall it affect their rights in respect thereof.

§8–411.

Article IX

This Agreement shall be liberally construed so as to effectuate its purposes. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision of this Agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability of the remainder of this Agreement to any government, agency, person, or circumstance shall not be affected thereby. If this Agreement shall be held contrary to the constitution of any state party hereto, the Agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

§8–412.

All courts, departments, agencies, officers, and employees of the State and its political subdivisions shall enforce the Agreement and cooperate with one another and other party states in enforcing the Agreement and effectuating its purpose.

§8–413.

If an individual legally detained and confined in a correctional institution in this State, who, by reason of application of the Agreement, is delivered into temporary custody of a party state as provided in § 8-407 of this subtitle (Article V of the Agreement) and subsequently escapes or attempts to escape from the temporary custody, the escape or attempt to escape shall be punishable under the laws of this

State as if the individual had escaped or attempted to escape from a correctional institution in this State.

§8–414.

The managing official of a correctional institution in this State shall transfer an inmate as required by operation of the Agreement.

§8–415.

The Attorney General is designated as the officer to carry out the provisions of § 8-409 of this subtitle (Article VII of the Agreement) and to adopt regulations as stipulated in that section.

§8–416.

As to any request by an individual confined in another party state for trial in this State, written notice may not be deemed to have been delivered to the prosecuting officer and the appropriate court of this State in accordance with § 8-405(a) (Article III (a) of the Agreement) of this subtitle and notification may not be deemed to have been given in accordance with § 8-405(d) or § 8-406(b) of this subtitle (Article III (d) and Article IV (b) of the Agreement) until the notice or notification is actually received by the appropriate court and the appropriate State's Attorney of this State, the State's Attorney's deputy or assistant, or any other person empowered to receive mail on behalf of the State's Attorney.

§8–417.

An individual delivered to the custody of another party state under this subtitle shall be allowed or shall forfeit any diminution of the individual's term of confinement under Title 3, Subtitle 7 of this article as may be determined by the Commissioner of Correction in each case.

§8–501.

(a) Outstanding charges against an inmate and detainers based on untried indictments, informations, warrants, or complaints produce uncertainties that:

(1) obstruct programs of inmate treatment and rehabilitation; and

(2) cause an inmate serving a term under a detainer to suffer serious disadvantages.

(b) The policy of the State and the purpose of this subtitle is to encourage the expeditious and orderly disposition of outstanding charges against an inmate and determination of the proper status of any detainers based on untried indictments, informations, warrants, or complaints.

§8–502.

(a) This section applies whenever the Division of Correction, the Patuxent Institution, or any local correctional facility receives notice of an untried indictment, information, warrant, or complaint against an inmate who:

(1) in the case of the Division of Correction, is serving a sentence in a correctional facility in the Division of Correction;

(2) in the case of the Patuxent Institution, is confined at the Patuxent Institution; or

(3) in the case of a local correctional facility, is serving a sentence in the local correctional facility.

(b) An inmate shall be brought to trial within 120 days after the inmate has delivered a written request for a final disposition of the indictment, information, warrant, or complaint to:

(1) the State's Attorney of the county in which the indictment, information, warrant, or complaint is pending; and

(2) the appropriate court.

(c) The request for final disposition required under subsection (b) of this section shall be accompanied by a statement from the managing official having immediate supervision over the inmate setting forth:

(1) the inmate's term of confinement;

(2) the time already served;

(3) the time remaining to be served;

(4) the amount of diminution credits awarded for good conduct;

(5) the date of parole eligibility for the inmate; and

(6) the most recent decision of the Maryland Parole Commission or the Board of Review of the Patuxent Institution relating to the inmate.

(d) For good cause shown in open court, with the inmate or the inmate's counsel present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

§8–503.

(a) On receipt of notice of an untried indictment, information, warrant, or complaint against an inmate who is serving a sentence in a correctional facility in the Division of Correction or against an inmate who is confined at the Patuxent Institution, the Division of Correction shall promptly notify the managing official of the correctional facility in which the inmate is confined of the detainer lodged against the inmate and of the untried indictment, information, warrant, or complaint on which it is based.

(b) Within 15 days after receiving notice of a detainer and the untried indictment, information, warrant, or complaint on which it is based, the managing official having immediate supervision over the inmate shall inform the inmate in writing:

(1) of the source and contents of the detainer lodged against the inmate; and

(2) of the inmate's right to make a request for final disposition of the indictment, information, warrant, or complaint on which the detainer is based.

(c) If an inmate is not informed within 1 year of a detainer lodged against the inmate and of the inmate's right to make a request for final disposition of the indictment, information, warrant, or complaint on which the detainer is based:

(1) the untried indictment, information, warrant, or complaint shall have no further force or effect; and

(2) the court shall enter an order dismissing the untried indictment, information, warrant, or complaint without prejudice.

(d) (1) An inmate who has been notified of a detainer lodged against the inmate may request that the managing official having immediate supervision over the inmate file the inmate's request for final disposition of the untried indictment, information, warrant, or complaint, along with the statement required under subsection (b) of this section.

(2) Within 30 days after receipt of an inmate's request under paragraph (1) of this subsection, the managing official having custody of the inmate shall file the inmate's request for final disposition and the statement required under subsection (b) of this section with the appropriate State's Attorney and the appropriate court.

(3) The managing official shall file the inmate's request for final disposition and the required statement by certified mail, return receipt requested.

(e) If the untried indictment, information, warrant, or complaint for which request for final disposition is made is not brought to trial within the time limitation established under § 8-502 of this subtitle:

(1) the untried indictment, information, warrant, or complaint has no further force or effect; and

(2) the court, on request of the inmate or the inmate's counsel, shall enter an order dismissing the untried indictment, information, warrant, or complaint without prejudice.

(f) (1) Except as provided in paragraph (2) of this subsection, the sheriff of the county in which an untried indictment, information, warrant, or complaint is pending shall transport the inmate between the inmate's place of confinement and the county in which the untried indictment, information, warrant, or complaint is pending.

(2) On the request of the sheriff, the transportation may be furnished by the correctional facility in which the inmate is confined.

§8–601.

The definition of "correctional facility" in § 1-101(d) of this article does not apply to the Interstate Corrections Compact set forth in §§ 8-602 through 8-611 of this subtitle.

§8–602.

The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment, and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this Compact is to provide for the mutual development and execution of

such programs of cooperation for the confinement, treatment, and rehabilitation of offenders with the most economical use of human and material resources.

§8–603.

(a) As used in this Compact, unless the context clearly requires otherwise, the following words have the meanings indicated.

(b) "Inmate" means a male or female offender who is committed to, under sentence to, or confined in a penal or correctional institution.

(c) "Institution" means any penal or correctional facility, including but not limited to a facility for the mentally ill or mentally defective, in which inmates may lawfully be confined.

(d) "Receiving state" means a state party to this Compact to which an inmate is sent for confinement other than a state in which conviction or court commitment was had.

(e) "Sending state" means a state party to this Compact in which conviction or court commitment was had.

(f) "State" means a state of the United States, the United States of America, a territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

§8–604.

(a) Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

(1) its duration;

(2) payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs, or treatment not reasonably included as part of normal maintenance;

(3) participation in programs of inmate employment, if any, the disposition or crediting of any payments received by inmates on account thereof, and the crediting of proceeds from or disposal of any products resulting therefrom;

(4) delivery and retaking of inmates; and

(5) such other matters as may be necessary and appropriate to fix the obligations, responsibilities, and rights of the sending and receiving states.

(b) The terms and provisions of this Compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

§8–605.

(a) Whenever the duly constituted authorities in a state party to this Compact, and which has entered into a contract pursuant to § 8-604 of this subtitle, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, the officials may direct that the confinement be within an institution within the territory of the other party state, the receiving state to act in that regard solely as agent for the sending state.

(b) The appropriate officials of any state party to this Compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

(c) Inmates confined in an institution pursuant to the terms of this Compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state. The sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of § 8-604 of this subtitle.

(d) Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this Compact including a conduct record of each inmate and certify the record to the official designated by the sending state, in order that each inmate may have official review of the inmate's record in determining and altering the disposition of the inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

(e) All inmates who may be confined in an institution pursuant to the provisions of this Compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which the inmate would have had if confined in an appropriate institution of the sending state.

(f) Any hearing or hearings to which an inmate confined pursuant to this Compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. The record, together with any recommendations of the hearing officials, shall be transmitted to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this section, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state.

(g) Any inmate confined pursuant to this Compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

(h) Any inmate confined pursuant to the terms of this Compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or the inmate's status changed on account of any action or proceeding in which the inmate could have participated if confined in any appropriate institution of the sending state located within such state.

(i) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in the exercise of any power in respect of any inmate confined pursuant to the terms of this Compact.

§8–606.

(a) Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this Compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against

the inmate within such state any criminal charge or if the inmate is formally accused of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this Compact through any and all states party to this Compact without interference.

(b) An inmate who escapes from an institution in which the inmate is confined pursuant to this Compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

§8–607.

Any state party to this Compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this Compact or any contract pursuant hereto and any inmate in a receiving state pursuant to this Compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision. If such program or activity is not part of the customary correctional regimen the express consent of the appropriate official of the sending state shall be required therefor.

§8–608.

This Compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this Compact shall enter into force and become effective and binding as to any other of the states upon similar action by such state.

§8–609.

This Compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the Compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until 1 year after the notices provided in the statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall

remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this Compact.

§8–610.

Nothing contained in this Compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation, or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

§8–611.

The Secretary of the Department of Public Safety and Correctional Services may do all things necessary or incidental to the carrying out of the Compact in every particular.

§8–701.

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

(b) "Crime of violence" has the meaning stated in § 14-101 of the Criminal Law Article.

(c) "Participating agency" means any institution, association, or governmental unit described in § 8-705(a) of this subtitle that provides work projects for a community service program.

§8–702.

A county may establish a community service program.

§8–703.

Except as otherwise provided, a court may order a juvenile who is charged with the commission of a delinquent act or a criminal defendant who has not been convicted of a crime of violence to perform community service and assign the juvenile or defendant to a particular work project:

(1) instead of payment of any fines and court costs imposed; or

(2) as a condition of:

(i) probation, whether granted under § 6-220 or § 6-225 of the Criminal Procedure Article or otherwise;

(ii) a suspended sentence;

(iii) a case being placed on a stet docket; or

(iv) a juvenile being subject to a diversionary program.

§8–704.

A criminal defendant or a juvenile may be assigned to perform a work project under a community service program only if:

(1) the juvenile or defendant consents to the assignment;

(2) the juvenile or defendant is not compensated for the work performed; and

(3) in the case of a defendant, the individual has not been convicted of a crime of violence.

§8–705.

(a) A nonprofit charitable institution, public association, community service association, or governmental unit may provide work projects for a community service program.

(b) (1) A participating agency shall provide, on a written form, any information useful for assigning a juvenile or defendant to an appropriate work project, including:

(i) a description of the work project;

(ii) the days of the week and the hours of each day that each work project is to be performed;

(iii) special skills or physical requirements to perform the work project; and

(iv) for a work project of limited duration, the date when the availability of the project expires.

(2) A participating agency shall send the form to the clerks of court.

§8–706.

A community service program:

(1) for adults, shall be administered either by the county or, within the county, by the Division of Parole and Probation; or

(2) for juveniles, shall be administered either by the county or, within the county, by the Department of Juvenile Services.

§8–707.

A county may elect to have a community service program monitored by:

(1) the Division of Parole and Probation;

(2) the Department of Juvenile Services; or

(3) the county.

§8–708.

A county shall pay for:

(1) local monitoring of a community service program; and

(2) supervising participants.

§8–709.

(a) A county shall report to the administering unit at the times and in the manner that the administering unit determines.

(b) The administrator of each community service program shall prepare separate reports containing annual statistical data on all adults and juveniles in the program and submit:

(1) the report on adults to the Division of Parole and Probation;

(2) the report on juveniles to the Department of Juvenile Services; and

(3) both reports to the Administrative Office of the Courts.

§8–710.

(a) A participating agency that requests the assignment of a community service worker:

(1) is responsible for supervising the worker who is assigned to the agency; and

(2) shall accept the assignment of the worker on the terms and conditions imposed by the court.

(b) (1) A participating agency may report the unsuitability of a community service worker to the court.

(2) If a worker is reported to be unsuitable, the court:

(i) shall remove the worker from the project; and

(ii) after considering all the facts and circumstances, may reassign the worker or take other action allowed by law.

(c) This subtitle does not limit the authority of a court to direct a juvenile or a defendant, under the supervision of the Division of Parole and Probation, the Department of Juvenile Services, or any other unit or individual as directed by the court, to make restitution to the victim of a particular crime or to perform certain services for the victim as an alternative means of restitution:

(1) as a condition of probation;

(2) as a condition of suspended sentence; or

(3) instead of any fines and court costs imposed.

§8–711.

(a) This section applies only in Prince George's County.

(b) An owner of private property may request the assignment of a community service worker to clean up and dispose of rubbish on the owner's property as a work project under this subtitle if:

(1) the rubbish was dumped on the property without the knowledge and consent of the owner; and

(2) the owner provides a signed release of all the owner's personal and property claims that may arise from the performance of the work project.

(c) Prince George's County shall insure a community service worker assigned to a work project under this section to the same extent as a worker assigned to a work project provided by a participating local agency under this subtitle.

(d) (1) If an owner has received a notice of violation from the Prince George's County Department of Environmental Resources because of rubbish dumped without the owner's knowledge and consent, and the owner appeals to the Board of Administrative Appeals for the County, the Board shall allow the owner to defend against the notice by asserting the liability of a third party, whose identity may be known or unknown to the owner.

(2) If the Board decides in favor of the owner, the Board shall grant the owner a reasonable amount of time to request the assignment of a community service worker under this section.

§8–801.

(a) An inmate may not falsely imprison an individual who:

(1) is employed by a correctional facility;

(2) performs volunteer work for a correctional facility;

(3) performs duties in a correctional facility by virtue of federal, State, or local government employment; or

(4) performs duties in a correctional facility by virtue of a contract with a local government or the federal or State government.

(b) (1) An inmate who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

(2) A sentence imposed under this section may not be suspended.

§8–802.

(a) An agent or employee of a State correctional facility or any other correctional facility that receives State aid may not raise or take part in the raising of perishable vegetable produce for sale unless the sale is to be made to another State unit, an institution receiving State aid, or a cannery.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of not more than $100.

(c) An employee of a State correctional facility who violates this section is subject to removal.

§8–803.

(a) Words or phrases in this section that describe the common-law crime of indecent exposure shall retain their judicially determined meanings except to the extent expressly or implicitly changed in this section.

(b) An inmate may not, with intent to annoy, abuse, torment, harass, or embarrass a correctional officer or authorized personnel, lewdly, lasciviously, and indecently expose private parts of the inmate's body in the presence of the correctional officer or authorized personnel.

(c) An inmate who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

§9–101.

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

(b) "Commissioner" means the Commissioner of Correction.

(c) "Division" means the Division of Correction.

§9–102.

This subtitle applies to any judge of the circuit court for a county or of the District Court.

§9–103.

(a) (1) Notwithstanding any other law, a judge who sentences an individual to imprisonment for an offense for which a law requires the imprisonment be served at a specific State correctional facility shall sentence the individual to the jurisdiction of the Division.

(2) The judge shall commit the individual to the custody of the Commissioner and cause the individual to be delivered to the Commissioner for imprisonment.

(3) If a law refers to the sentencing of an inmate to or confinement of an inmate in a specific correctional facility in the Division, the reference shall be construed to mean sentencing of an inmate to the jurisdiction of or confinement of an inmate in the Division rather than the specific correctional facility.

(b) Each individual sentenced to the jurisdiction of the Division and each individual still in confinement under a sentence imposed before June 1, 1967, shall be held by, confined in, assigned to, or transferred to:

(1) a correctional facility in the Division, as the Division orders; or

(2) if convenient and practical, a barracks of the Department of State Police.

§9–104.

(a) This section does not apply to an individual sentenced in Baltimore City.

(b) Notwithstanding any other law, a judge may not sentence an individual to the jurisdiction of the Division for 12 months or less unless:

(1) the sentence is for an offense committed by an inmate in a correctional facility under the jurisdiction of the Division; and

(2) the inmate is still under the jurisdiction of the Division.

§9–105.

Notwithstanding any other law, a judge may sentence an individual to a local correctional facility if:

(1) the sentence to be then executed is for a period of not more than 18 months; and

(2) the judge imposing the sentence is in a jurisdiction that is a party to the operation and maintenance of the local correctional facility to which the individual is sentenced.

§9–106.

(a) This section applies only in Baltimore City.

(b) Notwithstanding any other law, a judge who imposes a sentence of imprisonment on an individual shall commit the individual to the custody of the Commissioner of Correction.

(c) A judge who commits an individual to custody for any purpose other than service of a sentence shall commit the individual to the custody of the Commissioner of Pretrial Detention and Services.

§9–201.

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

(2) "Sexual offense" means:

(i) a violation of:

1. § 3–305 or § 3–306 of the Criminal Law Article as the sections existed before October 1, 2017; or

2. § 3–307, § 3–308, § 3–309, or § 3–310 of the Criminal Law Article or the former § 3–311 or § 3–312 of the Criminal Law Article as the sections existed on September 30, 2017; or

(ii) an attempt to violate:

1. § 3–305 or § 3–306 of the Criminal Law Article, as the sections existed before October 1, 2017, as a principal or an aider or abettor; or

2. § 3–307 or § 3–308 of the Criminal Law Article as a principal or an aider or abettor.

(3) "State correctional facility" does not include:

(i) the Patuxent Institution; or

(ii) the Baltimore City Detention Center.

(b) If an inmate is convicted of and sentenced to a term of imprisonment for a sexual offense that was committed while the inmate was serving a sentence in a State or local correctional facility, the sentence for the sexual offense shall run consecutive to the sentence that the inmate was serving at the time of the sexual offense.

(c) (1) If an inmate is convicted of and sentenced to a term of imprisonment for a sexual offense that was committed while the inmate was being held for a bail hearing, arraignment, trial, or sentencing on another charge in a State or local correctional facility and, before the imposition of the sentence for the sexual offense, the inmate was sentenced to a term of imprisonment for the charge for which the inmate was being held at the time of the sexual offense, the sentence imposed for the sexual offense shall run consecutive to the sentence imposed for the charge for which the inmate was being held at the time of the sexual offense.

(2) If an inmate is convicted of and sentenced to a term of imprisonment for a sexual offense that was committed while the inmate was being held for a bail hearing, arraignment, trial, or sentencing on another charge in a State or local correctional facility and, at the time that the sentence for the sexual offense is imposed, the inmate has not been sentenced on the other charge, any sentence of imprisonment eventually imposed for the other charge shall run consecutive to the sentence imposed for the sexual offense.

§9–202.

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

(2) "Division custody" means confinement resulting from a sentence to the jurisdiction of the Division of Correction.

(3) (i) "Non–Division custody" means any postsentencing criminal confinement other than Division custody.

(ii) "Non–Division custody" includes confinement resulting from a sentence to:

1. a local correctional facility; or

2. a correctional facility in a foreign jurisdiction.

(b) (1) A sentence to a term of Division custody that is imposed consecutive to a term of Non-Division custody shall begin when the individual is released from Non-Division custody due to the expiration of a sentence, parole, or the application of diminution credits.

(2) A sentence to a term of Non-Division custody that is imposed consecutive to a term of Division custody shall begin when the individual is released from Division custody due to the expiration of a sentence, parole, or the application of diminution credits.

(c) A sentence imposed consecutive to a term of confinement for which the defendant is on parole shall begin:

(1) if, at the time of sentencing, parole is revoked, on expiration of the original term of confinement; or

(2) if parole is not revoked, on the date that the consecutive sentence was imposed.

(d) An inmate under a sentence to a term of Division custody that is concurrent or partially concurrent to a term of Non-Division custody shall be subject to Division custody immediately on release from Non-Division custody due to the expiration of a sentence, parole, or the application of diminution credits.

§9–301.

If a criminal case is removed from one county to another and the defendant is detained in a correctional facility, the defendant may not be transferred to the county to which the case was removed until the presence of the defendant is required in the court to which the case was removed.

§9–302.

(a) If an individual whose trial has been removed is convicted of a crime punishable by imprisonment in a local correctional facility, any sentence of imprisonment imposed by a court shall be to a local correctional facility of the county from which the case was removed.

(b) The sheriff of the county in which the conviction occurred shall place the individual who was convicted and a certified copy of the docket entries in the case in the custody of the sheriff of the county in which the charging document was filed.

§9–303.

The Commissioner of Correction may accept the transfer of an inmate from a local correctional facility if:

(1) the inmate requires special behavioral or medical treatment or maximum security detention;

(2) the local correctional facility is not equipped to properly provide the necessary treatment or detention; and

(3) when required by any other law, the committing court approves the transfer.

§9–304.

By mutual agreement with a county or counties, the Commissioner of Correction may transfer a minimum security inmate to a local correctional facility operated by the county or counties for participation in community-oriented correctional programs.

§9–305.

(a) This section does not apply to the transfer of an inmate that is:

(1) in accordance with a court order; and

(2) in connection with a pending judicial proceeding.

(b) Notwithstanding any other law, an inmate of a maximum or medium security correctional facility in the Division of Correction may not be transferred to a minimum security correctional facility in the Division of Correction or a local correctional facility unless the case management unit of the Division of Correction participates in, evaluates, reviews, and provides final approval for the transfer.

(c) The Commissioner of Correction shall adopt regulations necessary to carry out this section.

§9–306.

The Commissioner of Correction may contract with the federal government for the transfer of inmates from correctional facilities in the Division of Correction to appropriate facilities operated by or for the federal government.

§9–307.

(a) On terms and conditions that it prescribes, the Division of Correction may accept custody of any individual who is sentenced to the jurisdiction of the Division of Correction by the United States District Court for the District of Maryland.

(b) While in a State correctional facility, an individual who is sentenced by the United States District Court for the District of Maryland to the jurisdiction of the Division of Correction is subject to the same rules and discipline that are applicable to inmates sentenced by State courts to the jurisdiction of the Division.

§9–308.

If a treaty between the United States and a foreign country provides for the transfer or exchange of convicted offenders to the country of which they are citizens or nationals, the Governor may authorize, on behalf of the State and subject to the terms of the treaty, the Commissioner of Correction to consent to the transfer or exchange of offenders and take any other action necessary to initiate the participation of the State in the treaty.

§9–402.

(a) In this section, "sentenced inmates" means those inmates confined in a local correctional facility after being sentenced to the custody of the local correctional facility for more than 12 months and not more than 18 months.

(b) Subject to subsection (d) of this section, for each fiscal year the State shall provide each county a grant equal to at least $45 for each day from the end of the 12th month through the end of the 18th month that a sentenced inmate was confined in a local correctional facility during the second preceding fiscal year.

(c) Subject to subsection (d) of this section, for each fiscal year the State shall provide each county a grant equal to at least $45 for each day:

(1) after the first day through the day of release that an inmate who has been sentenced to the jurisdiction of the Division of Correction was confined in a local correctional facility during the second preceding fiscal year; or

(2) that an inmate who has been sentenced to the jurisdiction of the Division of Correction received reentry or other prerelease programming and services from a local correctional facility during the second preceding fiscal year.

(d) (1) On or before October 1 of each year, each county shall submit to the Department inmate days reports for the previous fiscal year.

(2) If a county fails to submit the information required under paragraph (1) of this subsection when due, the Department shall deduct an amount equal to 20% of the grant under subsection (b) of this section for each 30 days or part of 30 days after the due date that the information has not been submitted.

§9–405.

After each fiscal year the State shall reimburse a county for medical expenses that exceed $25,000 for each inmate confined in a local correctional facility, regardless of whether the inmate has been sentenced.

§9–501.

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

(b) (1) "County roads authority" means the governmental entity that has control of the public roads of a county.

(2) "County roads authority" includes, in a county in which the board of county commissioners has control of the public roads of the county, the board of county commissioners.

(c) "Public roads" includes highways, roads, bridges, and streets under the jurisdiction of the State or a county or municipal corporation of the State.

§9–502.

It is the policy of the State that, because of the enforced idleness of inmates, it is necessary and desirable that useful work on projects in the State be found for inmates and that those inmates who may be used safely for maintenance, construction, or reconstruction projects shall be assigned that work.

§9–503.

(a) The county roads authority may employ on the public roads of the county male inmates who have been sentenced to terms of imprisonment in a local correctional facility in the county who the county roads authority finds are physically able to perform the work.

(b) On the written order of the board of county commissioners or the county executive of a county, the managing official of a local correctional facility in the county shall send, under a competent guard, the number of able-bodied inmates who have been sentenced to terms of imprisonment in the local correctional facility that the county requires, to work on public roads of the county, including the adjacent land areas of municipal corporations in the county, or in any quarry, pit, or yard in preparing materials for use on public roads of the county.

(c) While employing inmates as authorized under this section, the county roads authority shall provide for the guarding, transporting, lodging, feeding, and medical care of the inmates.

(d) The governing body of the county shall reimburse the managing official out of the county fund for the expenses incurred in transporting the inmates to and from the work site and in properly guarding the inmates at the work site while at work under the direction of a county road representative and under the regulations that the managing official considers necessary for the health and safe custody of the inmates.

§9–504.

(a) (1) A county roads authority may request that the Division of Correction furnish inmates who may be profitably employed in the repair or construction of public roads of the county.

(2) After receiving a request from the county roads authority, the Division of Correction shall furnish the number of requested inmates who are available to work on the public roads of the county.

(b) (1) Subject to paragraph (2) of this subsection and subsection (c) of this section, the Division of Correction shall provide for the guarding, transporting, lodging, feeding, clothing, and medical care of State inmates employed on public roads of a county.

(2) When State inmates are employed in the same work force as inmates of a county that requested that the Division of Correction furnish State inmates:

(i) the Division of Correction shall furnish all necessary guards at the expense of the county roads authority; and

(ii) the county roads authority shall provide for the lodging, feeding, and medical care of the inmates as required by § 9-503(c) of this subtitle.

(c) The county roads authority shall reimburse the Division of Correction for all expenses incurred in guarding, transporting, and maintaining State inmates who are furnished for work on public roads of the county at the request of the county roads authority.

(d) (1) A county roads authority using State inmates as provided in this section shall pay to the Division of Correction the daily amount contractually agreed on by the county roads authority and the Division of Correction for each day that a State inmate works on public roads of the county.

(2) The Division of Correction shall hold the payments made under this section to the credit of each inmate under applicable law.

(e) The county roads authority may use money appropriated to construct county or State aid roads under its jurisdiction as necessary to maintain the inmate work force and to pay for the materials and equipment used by the inmate work force.

§9–505.

(a) The State Highway Administration may apply to the Division of Correction for a State inmate work force to be used to construct and maintain State highways.

(b) For the purpose of this section, the State Highway Administration is subject to the requirements and conditions of this subtitle that apply to a county roads authority.

§9–506.

The Division of Correction may adopt regulations, applicable to each inmate who is employed in public work under this subtitle, that grant an additional good behavior allowance to the inmate conditioned on the inmate's good deportment and compliance with the regulations adopted by the Division of Correction for the management and control of inmates employed in public work.

§9–507.

(a) The provisions of this section and §§ 9-508 through 9-514 of this subtitle do not apply to:

(1) the Baltimore City Detention Center;

(2) the Mayor and City Council of Baltimore; or

(3) the public roads of Baltimore City.

(b) Each male inmate of a State or local correctional facility may be required to work on public roads in accordance with §§ 9-508 through 9-514 of this subtitle.

§9–508.

(a) The Governor may require that the Commissioner of Correction certify to the Governor the number of male inmates who are confined in correctional facilities in the Division of Correction and who are available and physically able to work on public roads of the State.

(b) If the governing body of a county or municipal corporation desires that inmates of a correctional facility under its jurisdiction work on public roads of the State, the governing body may certify to the Governor the number of male inmates who are available and physically able to perform the work.

§9–509.

(a) On receipt of a certification required under § 9-508 of this subtitle, the Governor may assign to the State Highway Administration as many of the inmates certified to the Governor as the State Highway Administration can profitably employ to construct, repair, or maintain the public roads under its jurisdiction.

(b) The State Highway Administration shall employ the inmates assigned by the Governor under this section.

§9–510.

(a) The governing body of a county or municipal corporation may request that the Governor furnish the number of inmates that the county or municipal corporation can profitably employ to construct, repair, or maintain the public roads under its jurisdiction.

(b) After the Governor has assigned inmates to the State Highway Administration under § 9-509 of this subtitle, from the remaining inmates certified to the Governor under § 9-508 of this subtitle, the Governor may assign the number of inmates that the Governor considers equitable among counties and municipal corporations requesting inmates under subsection (a) of this section.

§9–511.

(a) The Division of Correction shall provide, or make arrangements that it considers to be adequate and proper to provide, for the guarding, transporting, lodging, feeding, clothing, and medical and other care of inmates while the inmates are working on public roads under §§ 9-508 through 9-514 of this subtitle.

(b) The Division of Correction may adopt regulations as necessary to carry out §§ 9-508 through 9-514 of this subtitle.

(c) (1) For inmates assigned to the State Highway Administration under § 9-509 of this subtitle, the State shall pay the expenses incurred under subsection (a) of this section.

(2) For inmates assigned to a municipal corporation or county under § 9-510 of this subtitle, the municipal corporation or county shall pay the expenses

incurred under subsection (a) of this section under arrangements made with, or satisfactory to, the Division of Correction.

§9–512.

(a) For each inmate assigned to and employed by the State Highway Administration or a county or municipal corporation, respectively, under § 9-509 or § 9-511 of this subtitle, the State Highway Administration, county, or municipal corporation shall pay to the Division of Correction the daily sum agreed on with the Division of Correction for each day that the inmate is employed.

(b) (1) Except as provided in paragraph (2) of this subsection, from the payments made under subsection (a) of this section, the Division of Correction:

(i) shall hold an amount, as determined by the Division, to the credit of the inmate on whose account the payments were made; and

(ii) on release or discharge of the inmate, shall pay to the inmate those payments held by the Division to the credit of the inmate.

(2) If the Division of Correction finds that the wife, child, or other dependent of an inmate needs financial support, the Division may pay all or part of the payments made under subsection (a) of this section, as the Division considers proper, to the dependent.

(c) The Division of Correction may adopt regulations as necessary to govern the collection and disbursement of payments made under this section.

§9–513.

An inmate working on public roads under §§ 9-508 through 9-514 of this subtitle is entitled to the same deductions or allowances for good behavior, observance of discipline and rules, and diligent and faithful labor, and is subject to the same forfeitures or punishments for bad behavior and other violations that otherwise apply to inmates under the laws of the State.

§9–514.

(a) (1) All expenses incurred and disbursements made by the Division of Correction under § 9-511 of this subtitle for the guarding, transporting, lodging, feeding, clothing, and medical and other care of inmates working under §§ 9-508 through 9-513 of this subtitle for the State Highway Administration shall be paid out of money in the Treasury that has not been otherwise appropriated and is available

for those purposes or, subject to paragraph (2) of this subsection, out of money appropriated for those purposes.

(2) (i) The Division of Correction may not pay the expenses specified in paragraph (1) of this subsection out of money appropriated for those purposes unless the Governor approves the payment and orders the Comptroller to make the payment.

(ii) The Comptroller shall draw a warrant on the Treasury, as otherwise provided by law, for the amount ordered by the Governor.

(b) A county or municipal corporation to which inmates have been assigned under § 9-510 of this subtitle may make any appropriations, assessments, and levies necessary to enable the county or municipal corporation to pay the expenses and payments authorized or required under §§ 9-508 through 9-513 of this subtitle.

(c) The payments required to be made by the State Highway Administration under § 9-512 of this subtitle shall be paid out of the State Highway Administration's appropriation.

§9–515.

(a) This section applies to:

(1) inmates of any camp in Queen Anne's County or in any other county in which similar camps are established; and

(2) inmates in a county within a reasonable distance, to be determined by the Division of Correction, of a camp described in item (1) of this subsection.

(b) Except for inmates needed or being utilized by the State Highway Administration for emergency road maintenance, the Division of Correction shall arrange for inmates to be employed in agricultural work during any part of the year.

(c) A person that employs inmates in agricultural work under this section shall:

(1) pay the reasonable value for the work at the estimated prevailing wage in the community where the inmates are employed; and

(2) give any security for the payments that the Division of Correction requires.

(d) A person that employs inmates under this section may sell the produce harvested by the inmates.

(e) Inmates employed in agricultural work under this section shall be under the control and supervision of the Division of Correction to the same extent as when employed in the construction and maintenance of public roads.

§9–516.

(a) The Board of County Commissioners of Carroll County may employ an inmate who is serving a term of confinement in the Carroll County Detention Center to perform any public service that Carroll County routinely provides to the citizens of the County.

(b) The Sheriff of Carroll County, in consultation with and on the approval of the Board of County Commissioners of Carroll County, shall adopt regulations governing the inmate employment program authorized under this section, including supervision of inmates and security of the public and the Detention Center.

(c) For each calendar month during which an inmate shows satisfactory industry, application, and progress in special selected work projects, the inmate may be allowed a deduction of not more than 5 days of the inmate's term of confinement.

(d) The Board of County Commissioners of Carroll County may:

(1) authorize payment to inmates employed as provided under this section based on the normal rate of pay for the job performed; and

(2) deduct from payments to inmates the costs of providing the employment, training, and confinement.

§9–517.

(a) At the request of the Board of County Commissioners of Somerset County or the mayor and city council of a municipal corporation in Somerset County, the Division of Correction shall supply inmates, if reasonably available, to work on projects to develop, improve, and maintain public areas, parks, and recreation areas in the County or municipal corporation.

(b) The other provisions of this subtitle apply to employment of inmates under this section.

§9–518.

(a) This section applies only in the City of Frederick.

(b) A District Court judge who tries and commits a vagrant or other offender of a municipal law or ordinance, whenever practicable, shall assign the offender to work on the public roads of the county or City of Frederick.

(c) The Sheriff or other officer into whose custody an offender is committed under this section shall comply with the court's order of assignment.

(d) (1) An offender ordered by the court to work on the public roads of the City shall be guarded by the superintendent of streets or by any other individual deputized by the Sheriff.

(2) An offender ordered by the court to work on the public roads of the county shall be guarded by the road supervisor of the district in which the offender works.

(e) For the purpose of guarding offenders employed in accordance with a court order issued under subsection (b) of this section, the Sheriff may deputize the superintendent of streets, the district road supervisor, or any other individual to take charge of the offenders.

§9–519.

(a) Subject to subsection (b) of this section, at the request of another unit of State government, the Division of Correction may provide inmates for labor on State work projects if the Division of Correction considers the placement expedient and proper.

(b) The Division of Correction may provide inmates for a work project only if the unit of State government that requests the inmates agrees to the terms and conditions that the Division of Correction specifies.

§9–520.

(a) After reaching an agreement with the Department of State Police regarding the custody, supervision, transportation, and subsistence of inmates, the Division of Correction or the managing official of a local correctional facility may assign inmates who have been sentenced to imprisonment to perform labor or provide services in and about the facilities of the Department of State Police.

(b) An inmate who escapes while assigned to perform labor or provide services under this section is guilty of escape under § 9-404 of the Criminal Law Article.

§9–601.

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

(2) "Labor" means, as determined by the medical professional responsible for the care of the inmate or detainee, the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.

(3) "Physical restraint" means a restraint or device used to control or bind the movement of any part of an individual's body or limbs.

(4) "Postpartum recovery" means the period immediately following delivery as determined by the medical professional responsible for the care of the inmate, including the entire period during which the inmate is in the hospital or infirmary after a birth.

(b) If a representation is made to the managing official of a correctional facility in the Department that an inmate in the correctional facility is pregnant and about to give birth, the managing official:

(1) a reasonable time before the anticipated birth, shall make an investigation; and

(2) if the facts require, shall recommend through the Maryland Parole Commission that the Governor exercise executive clemency.

(c) Without notice, the Governor may:

(1) parole the inmate;

(2) commute the inmate's sentence; or

(3) suspend the execution of the inmate's sentence for a definite period or from time to time.

(d) If the Governor suspends the execution of an inmate's sentence, the managing official of the correctional facility:

(1) a reasonable time before the anticipated birth, shall have the inmate transferred from the correctional facility to another facility that provides comfortable accommodations, maintenance, and medical care under supervision and

safeguards that the managing official determines necessary to prevent the inmate's escape from custody; and

(2) shall require the inmate to be returned to the correctional facility as soon after giving birth as the inmate's health allows, as determined by the medical professional responsible for the care of the inmate.

(e) A physical restraint may not be used on an inmate while the inmate is in labor or during delivery, except as determined by the medical professional responsible for the care of the inmate.

(f) (1) Subject to paragraph (2) of this subsection, a physical restraint may not be used on an inmate known to be pregnant or in postpartum recovery.

(2) A physical restraint may be used on an inmate known to be pregnant or in postpartum recovery if:

(i) the managing official of a correctional facility, the managing official's designee, or a local sheriff makes an individualized determination, which shall be recorded on the transport or medical record of the inmate, that a physical restraint is required to ensure the safety and security of the inmate, the staff of the correctional facility or medical facility, other inmates, or the public according to policies and procedures adopted by the Department and the managing official of a local correctional facility or the managing official of the agency designated to transport inmates; and

(ii) the physical restraint is the least restrictive necessary and does not include waist or leg restraints.

(3) Notwithstanding paragraph (2) of this subsection, if a doctor, nurse, or other health professional treating an inmate known to be pregnant or in postpartum recovery requests that physical restraints not be used, the correctional officer or other law enforcement officer accompanying the inmate shall immediately remove all physical restraints.

(4) The Department and the managing official of each local correctional facility or the managing official of the agency designated to transport inmates shall develop a policy for use at each correctional facility that:

(i) requires a physical restraint used on a pregnant inmate during transport to be the least restrictive necessary; and

(ii) establishes a method for reporting the use of physical restraints on pregnant inmates.

(g) (1) The expenses of an inmate's accommodation, maintenance, and medical care incurred as a result of the inmate's transfer under subsection (d)(1) of this section shall be paid:

(i) by the inmate;

(ii) by relatives or friends of the inmate; or

(iii) from any available fund that may be used to pay the hospital expenses of an inmate in the correctional facility.

(2) If money is not available under any of the sources identified in paragraph (1) of this subsection to pay the specified expenses:

(i) the county from which the inmate was committed is responsible for payment of the expenses; and

(ii) the managing official of the correctional facility to which the inmate was committed shall collect payment in accordance with Title 16 of the Health – General Article.

(h) (1) After receiving proof from the father or other relative of the child of the ability to properly care for the child, the Department may order that the father or other relative take custody of the child.

(2) The father or other relative of the child that receives custody under paragraph (1) of this subsection shall maintain and care for the child at the father's or other relative's expense until the inmate is released from the correctional facility or the child, as provided by law, is adopted.

(3) If the father or other relative of the child is unable to properly maintain and care for the child, the Department shall place the child in the care of the Department of Human Services.

(i) Notwithstanding any other provision of this section, the Department may allow an inmate to participate in programming and to retain custody of the newborn child in or out of custody if:

(1) the environment and program is consistent with the best interests of the child and consistent with public safety; and

(2) the custody is not inconsistent with the parental rights of any individual who is not detained or confined in a correctional facility.

(j) (1) This subsection applies to local correctional facilities and correctional facilities in the Department.

(2) Each correctional facility shall have a written policy in place regarding the medical care of pregnant inmates that addresses:

(i) procedures for providing pregnancy testing to all female inmates, including on intake;

(ii) access to prenatal care, including:

1. routine appointments, laboratory work, and ultrasounds;

2. procedures and schedules for providing pregnant inmates with laboratory and testing results; and

3. nutritional needs and counseling;

(iii) high–risk pregnancies, including maternal substance abuse disorder;

(iv) miscarriage management, including:

1. procedures for evaluating the appropriate level of care;

2. protocol for on–site and off–site miscarriage management;

3. emergency miscarriage management; and

4. follow–up care;

(v) access to abortion care, including:

1. information about abortion providers; and

2. transportation;

(vi) access to child placement resources, including:

1. information about adoption or referral to adoption resources, including kinship adoption, open and closed adoption, and agency and private adoption;

2. foster care; and

3. kinship care;

(vii) labor and delivery, including:

1. the facility where labor and delivery shall occur;

2. transportation; and

3. transmittal of medical records to the facility for labor and delivery;

(viii) postpartum recovery care, including:

1. transportation to the correctional facility from the labor and delivery facility;

2. access to hygiene products;

3. a schedule for postpartum recovery care; and

4. accommodations for pumping and storage of breast milk;

(ix) eligibility and access to behavioral health counseling and social services during the prenatal and postpartum recovery periods;

(x) use of restraints during pregnancy, transportation, labor and delivery, and postpartum recovery; and

(xi) use of involuntary medical isolation or restrictive housing for administrative, protective, or disciplinary purposes during pregnancy and 8 weeks during the postpartum or post–pregnancy recovery period.

(3) The managing official of a correctional facility shall provide the written policy required under this subsection to an inmate at the time of a positive pregnancy test result.

(4) The Maryland Commission on Correctional Standards shall review each correctional facility's policy required under this subsection during regular inspections.

§9–601.1.

(a) In this section, "restrictive housing" has the meaning stated in § 9–614 of this subtitle.

(b) Except as provided in this section, a pregnant inmate may not be involuntarily placed in restrictive housing, including involuntary medical isolation or infirmary.

(c) (1) A pregnant inmate may be involuntarily placed in restrictive housing if the managing official of the correctional facility, in consultation with the person overseeing women's health and services in the facility, makes an individualized and written determination that restrictive housing is required as a temporary response to:

(i) behavior that poses:

1. a serious and immediate risk of physical harm to the inmate or another; or

2. an immediate and credible flight risk that cannot be reasonably prevented by other means; or

(ii) a situation that poses a risk of spreading a communicable disease that cannot be reasonably mitigated by other means.

(2) A managing official who makes a determination described in paragraph (1) of this subsection shall document the reason why other less restrictive housing is not possible.

(3) The determination described in paragraph (1) of this subsection shall be reviewed and affirmed at least every 24 hours in writing with a copy provided to the inmate.

(d) An individual placed in restrictive housing under this section shall be:

(1) medically assessed every 8 hours;

(2) housed only in the least restrictive setting consistent with the health and safety of the individual; and

(3) given an intensive treatment plan developed and approved by the person overseeing women's health and services in the facility.

(e) (1) A pregnant inmate who is deemed to need infirmary care shall be admitted to the infirmary on order of a primary care nurse practitioner or obstetrician.

(2) If the inmate is overdue in the pregnancy, the inmate shall be housed in the infirmary as an admitted patient until labor begins or until the obstetrical consultant has made other housing and care recommendations.

(3) A pregnant inmate who has been placed in the infirmary shall be provided:

(i) access to regular outside recreation consistent with the general population;

(ii) access to visits, mail, and telephone consistent with general population privileges; and

(iii) the ability to continue to participate in work detail, programming, and classes.

(f) (1) Within 48 hours after confirmation by a health care professional that an inmate is pregnant, the inmate shall be notified in writing of the restrictions on a pregnant inmate being placed in restrictive housing provided in this section.

(2) The Secretary shall establish a process through which an inmate may report a violation of this section.

(g) The managing official of a correctional facility who authorized the placement of a pregnant inmate in restrictive housing shall submit within 30 days of the placement a report in writing to the Commissioner of Correction, the Commissioner of Pretrial Detention and Services, and the person overseeing women's health and services in the facility that describes the facts and circumstances surrounding the placement, including:

(1) the reasoning for the determination to place the inmate in restrictive housing;

(2) details of the placement, including the names of those who conducted medical assessments of the inmate, dates and times of placement, and the date, if applicable, the inmate was released from restrictive housing; and

(3) any physical or mental effects on the inmate or fetus resulting from the placement observed or reported by the person overseeing women's health and services in the facility.

§9–602.

(a) Whenever the Division of Correction determines that an inmate in a correctional facility in the Division is ill and the facilities of the correctional facility are inadequate to provide treatment for the illness, the Division may direct the managing official of the correctional facility to order the temporary removal of the inmate from the correctional facility to a facility in the State in which the inmate may receive adequate treatment.

(b) The Division of Correction may direct the temporary removal of an inmate from a correctional facility under subsection (a) of this section for a specified or unspecified time period.

(c) An order of temporary removal under subsection (a) of this section shall:

(1) be carried out with correctional officers and under supervision and safeguards as necessary to prevent the escape of the inmate; and

(2) require the inmate to be returned to a correctional facility in the Division of Correction as soon as the inmate's health allows.

(d) During the period of the inmate's temporary removal under this section, an inmate remains in the custody of the Division of Correction for the purposes of determining:

(1) the release date of the inmate; and

(2) diminution of the inmate's term of confinement in accordance with §§ 3-702 through 3-704 of this article.

(e) An inmate who escapes while temporarily removed under this section is guilty of escape and subject to the penalties of § 9-404 of the Criminal Law Article.

(f) (1) The expenses of an inmate's accommodation, maintenance, and medical care incurred as a result of the inmate's temporary removal under this section shall be paid:

(i) by the inmate;

(ii) by relatives or friends of the inmate; or

(iii) from any available fund that may be used to pay the hospital expenses of an inmate in the correctional facility.

(2) If money is not available under any of the sources identified in paragraph (1) of this subsection to pay the specified expenses:

(i) the county from which the inmate was committed shall be billed for payment of the expenses; and

(ii) the managing official of the correctional facility to which the inmate was committed shall collect payment in accordance with Title 16 of the Health - General Article.

(g) The temporary removal of an inmate from a correctional facility under this section is subject to any regulations adopted by the Division of Correction regarding correctional officers, supervision, and terms of temporary removal.

§9–602.1.

The Department of State Police shall investigate any death of an inmate suspected to be a homicide that occurs while the inmate is in the custody of the Division of Correction whether within or outside a correctional facility.

§9–603.

(a) (1) Subject to paragraph (2) of this subsection, the requirements under this section shall apply to:

(i) local detention centers in the following counties by January 1, 2020:

1. Howard County;

2. Montgomery County;

3. Prince George's County; and

4. St. Mary's County; and

(ii) local detention centers in six additional counties by October 1, 2021.

(2) (i) The Governor's Office of Crime Control and Prevention, the Maryland Department of Health, and the Maryland Correctional Administrators Association shall evaluate the implementation of the requirements of this section and determine a schedule to add additional counties, provided that the provisions of this section shall apply to all local detention centers and the Baltimore Pre–trial Complex by January 2023.

(ii) If the Baltimore Pre–trial Complex has not fully implemented the provisions of this section by January 2023, the Department of Public Safety and Correctional Services shall report to the Senate Finance Committee and the House Judiciary Committee, in accordance with § 2–1246 of the State Government Article, on the status and timeline of implementation.

(iii) Funding for the program at the Baltimore Pre–trial Complex shall be as provided in the State budget.

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

(2) "Health care practitioner" means an individual who is licensed, certified, or otherwise authorized to practice under the Health Occupations Article.

(3) "Inmate" means an individual confined within a local correctional facility.

(4) "Medication" means a medication approved by the federal Food and Drug Administration for the treatment of opioid use disorder.

(5) "Medication–assisted treatment" means the use of medication, in combination with counseling and behavioral health therapies, to provide a holistic approach to the treatment of opioid use disorder.

(6) "Opioid use disorder" means a medically diagnosed problematic pattern of opioid use that causes significant impairment or distress.

(7) "Peer recovery specialist" means an individual who has been certified by an entity approved by the Maryland Department of Health for the purpose of providing peer support services, as defined under § 7.5–101(n) of the Health – General Article.

(c) An inmate in a State or local correctional facility shall be placed on a properly supervised program of methadone detoxification if:

(1) a physician determines that the inmate is a person with an opioid use disorder;

(2) the treatment is prescribed by a physician; and

(3) the inmate consents in writing to the treatment.

(d) (1) Each local correctional facility shall conduct an assessment of the mental health and substance use status of each inmate using evidence–based screenings and assessments, to determine:

(i) if the medical diagnosis of an opioid use disorder is appropriate; and

(ii) if medication–assisted treatment is appropriate.

(2) If an assessment conducted under paragraph (1) of this subsection indicates opioid use disorder, an evaluation of the inmate shall be conducted by a health care practitioner with prescriptive authority authorized under Title 8, Title 14, or Title 15 of the Health Occupations Article.

(3) Information shall be provided to the inmate describing medication options used in medication–assisted treatment.

(4) Medication–assisted treatment shall be available to an inmate for whom such treatment is determined to be appropriate under this subsection.

(5) Each local correctional facility shall make available at least one formulation of each FDA–approved full opioid agonist, partial opioid agonist, and long–acting opioid antagonist used for the treatment of opioid use disorders.

(6) Each pregnant woman identified with an opioid use disorder shall receive evaluation and be offered medication–assisted treatment as soon as practicable.

(e) Each local correctional facility shall:

(1) following an assessment using clinical guidelines for medication–assisted treatment:

(i) make medication available by a qualified provider to the inmate; or

(ii) begin withdrawal management services prior to administration of medication;

(2) make available and administer medications for the treatment of opioid use disorder;

(3) provide behavioral health counseling for inmates diagnosed with opioid use disorder consistent with therapeutic standards for such therapies in a community setting;

(4) provide access to a health care practitioner who can provide access to all FDA–approved medications for the treatment of opioid use disorders; and

(5) provide on–premises access to peer recovery specialists.

(f) If an inmate received medication or medication–assisted treatment for opioid use disorder immediately preceding or during the inmate's incarceration, a local correctional facility shall continue the treatment after incarceration or transfer unless:

(1) the inmate voluntarily discontinues the treatment, verified through a written agreement that includes a signature; or

(2) a health care practitioner determines that the treatment is no longer medically appropriate.

(g) Before the release of an inmate diagnosed with opioid use disorder under subsection (d) of this section, a local correctional facility shall develop a plan of reentry that:

(1) includes information regarding postincarceration access to medication continuity, peer recovery specialists, other supportive therapy, and enrollment in health insurance plans;

(2) includes any recommended referrals by a health care practitioner to medication continuity, peer recovery specialists, and other supportive therapy; and

(3) is reviewed and, if needed, revised by a health care practitioner or peer recovery specialist.

(h) The procedures and standards used to determine substance use disorder diagnosis and treatment of inmates are subject to the guidelines and regulations adopted by the Maryland Department of Health.

(i) As provided in the State budget, the State shall fund the program of opioid use disorder screening, evaluation, and treatment of inmates as provided under this section.

(j) On or before November 1, 2020, and annually thereafter, the Governor's Office of Crime Control and Prevention shall report data from individual local correctional facilities to the General Assembly, in accordance with § 2–1246 of the State Government Article, on:

(1) the number of inmates diagnosed with:

(i) a mental health disorder;

(ii) an opioid use disorder;

(iii) a non–opioid substance use disorder; and

(iv) a dual diagnosis of mental health and substance use disorder;

(2) the number and cost of assessments for inmates in local correctional facilities, including the number of unique inmates examined;

(3) the number of inmates who were receiving medication or medication–assisted treatment for opioid use disorder immediately prior to incarceration;

(4) the type and prevalence of medication or medication–assisted treatments for opioid use disorder provided;

(5) the number of inmates diagnosed with opioid use disorder;

(6) the number of inmates for whom medication and medication–assisted treatment for opioid use disorder was prescribed;

(7) the number of inmates for whom medication and medication–assisted treatment was prescribed and initiated for opioid use disorder;

(8) the number of medications and medication–assisted treatments for opioid use disorder provided according to each type of medication and medication–assisted treatment options;

(9) the number of inmates who continued to receive the same medication or medication–assisted treatment for opioid use disorder as the inmate received prior to incarceration;

(10) the number of inmates who received a different medication or medication–assisted treatment for opioid use disorder compared to what the inmate received prior to incarceration;

(11) the number of inmates who initiated treatment with medication or medication–assisted treatment for opioid use disorder who were not being treated for opioid use disorder prior to incarceration;

(12) the number of inmates who discontinued medication or medication–assisted treatment for opioid use disorder during incarceration;

(13) a review and summary of the percent of days, including the average percent, median percent, mode percent, and interquartile range of percent, for inmates with opioid use disorder receiving medication or medication–assisted treatment for opioid use disorder as calculated overall and stratified by other factors, such as type of treatment received;

(14) the number of inmates receiving medication or medication–assisted treatment for opioid use disorder prior to release;

(15) the number of inmates receiving medication or medication–assisted treatment prior to release for whom the facility had made a prerelease reentry plan;

(16) a review and summary of practices related to medication and medication–assisted treatment for opioid use disorder for inmates with opioid use disorder before October 1, 2019;

(17) a review and summary of prerelease planning practices relative to inmates diagnosed with opioid use disorder prior to, and following, October 1, 2019; and

(18) any other information requested by the Maryland Department of Health related to the administration of the provisions under this section.

(k) Any behavioral health assessment, evaluation, treatment recommendation, or course of treatment shall be reported to the Governor's Office of Crime Control and Prevention and also include any other data necessary to meet reporting requirements under this section.

§9–603.1. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2023 PER CHAPTER 532 OF 2019 //

(a) Beginning January 1, 2020, the Department shall establish a medication–assisted treatment program that utilizes at least one formulation of each FDA–approved full opioid agonist, partial opioid agonist, and long–acting opioid antagonists used for the treatment of opioid use disorders in the Baltimore Pre–trial Complex.

(b) Funding for the program shall be as provided in the State budget.

(c) The Department shall, in consultation with its head of medical treatment services, determine whether the program is capable of being administered in existing structures of the Baltimore Pre–trial Complex.

§9–604.

(a) Subject to subsections (c) and (d) of this section, the State shall pay the funeral and burial expenses of an indigent inmate who dies while in the custody of a State correctional facility.

(b) The State shall pay the same amount for the funeral and burial expenses of an indigent inmate as the Department of Human Services pays under § 5–415 of the Human Services Article.

(c) To be eligible to receive the benefit under this section, the family of an indigent inmate must be known or registered with the Department of Human Services.

(d) If the body of an indigent inmate is not claimed within 48 hours after death, the State Anatomy Board shall take control of the body for final disposition in accordance with § 5–406 of the Health – General Article.

(e) The Commissioner of Correction, the Commissioner of Pretrial Detention and Services, and the Director of the Patuxent Institution shall adopt regulations establishing procedures to carry out this section.

§9–605.

(a) The estate of an individual who is sentenced to imprisonment in a correctional facility in the Division of Correction or is to be executed is liable:

(1) first, for payment of reparation to each person injured by the individual; and

(2) second, for expenses incurred by the State to apprehend, prosecute, convict, and remove the individual.

(b) To determine the amount of liability under subsection (a) of this section, the court in which the individual is convicted shall direct its clerk to certify to the managing official of the correctional facility the amount of reparation determined by the court and the costs incurred by the State in the prosecution and conviction of the individual.

(c) The managing official shall maintain a record of the liability of the estate of the individual as certified by the clerk under subsection (b) of this section.

§9–606.

(a) This section applies to local correctional facilities and correctional facilities in the Division of Correction.

(b) On the recommendation of a health care provider, the managing official of a correctional facility or the managing official's designee may authorize medical treatment of a juvenile inmate if:

(1) in the judgment of the managing official or designee, the treatment is necessary; and

(2) a parent, guardian, or person in loco parentis of the juvenile is not available on a timely basis to give the authorization.

(c) A managing official or designee may not be held liable for authorizing medically necessary treatment in good faith.

§9–607.

At least once each year, the circuit court of each county shall charge its grand jury to:

(1) inquire into the operation and management of each State correctional facility located in the county; and

(2) present a report of all offenses and omissions of any individual in or that relate to a State correctional facility.

§9–608.

At least once each year, the grand jury in each county shall:

(1) visit each local correctional facility in the county;

(2) inquire into the condition of the correctional facility, the manner in which it is maintained, and the treatment of inmates; and

(3) report its findings to the circuit court of the county.

§9–609.

(a) Whenever a date of release from confinement in a State correctional facility is a Saturday, Sunday, or legal holiday, the inmate shall be released on the first preceding day that is not a Saturday, Sunday, or legal holiday.

(b) The Commissioner of Correction shall adopt regulations:

(1) establishing a release plan for inmates upon release from confinement in a State correctional facility to help identify resources to assist inmates following release, including the provision of transportation from the facility for an inmate upon release; and

(2) implementing the provisions of § 9–609.1 of this subtitle concerning issuance of an identification card to inmates on release from confinement in a State correctional facility.

§9–609.1.

(a) The Commissioner of Correction shall issue an identification card to an inmate before release from confinement in a State correctional facility.

(b) The identification card issued under subsection (a) of this section shall meet the requirements for secondary identification for the purpose of an identification card issued by the Motor Vehicle Administration under § 12–301 of the Transportation Article.

§9–610.

If a provision of the Code imposes a penalty of 3 months of imprisonment, the period of 3 months shall be calculated to be 90 calendar days.

§9–611.

(a) An individual who is committed or detained, or another individual on that individual's behalf, may demand a true copy of the warrant of commitment or detainer.

(b) If an officer or other individual neglects or refuses to deliver a true copy of the warrant of commitment or detainer, if there is one, within 6 hours after the copy has been demanded, the officer or other individual shall forfeit $500 to the individual who is committed or detained.

(c) The right of action to recover the forfeiture provided under this section or § 2-305 of the Courts Article survives the death of either party.

(d) The provisions of subsections (b) and (c) of this section do not apply to the officials and employees of the Division of Correction and the Patuxent Institution.

§9–612.

(a) The Department or the managing official of a local correctional facility shall provide an inmate who has been sentenced to a term of incarceration in the Division of Correction or a term of at least 60 days in a local correctional facility and who has been diagnosed with a mental illness with access to a 30–day supply of medication for the mental illness on the release of the inmate.

(b) Subsection (a) of this section does not apply to pretrial inmates.

(c) Part of the 30–day supply of medication provided under subsection (a) of this section may be provided by prescription if the inmate is provided sufficient medication on release that enables the inmate to remain medication–compliant until additional medication becomes available from filling the prescription.

(d) This section shall apply only if a treating physician determines that:

(1) the released inmate's possession of medication in the quantity prescribed is in the best interest of the inmate; and

(2) possession of the prescribed medication will not constitute a danger to the released inmate.

(e) The Department, an employee of the Department, a local correctional facility, an employee of a local correctional facility, or an agent of the Department or local correctional facility, including a physician or corporate entity providing medical services to inmates on behalf of the Department or local correctional facility, may not be held liable under this section for issuing medication or a prescription for

medication to an inmate on the inmate's release notwithstanding that the released inmate:

(1) is no longer under the care or supervision of the prescribing physician; and

(2) may be without medical supervision for the period during which the medication has been administered.

§9–613.

(a) On or before July 1, 2010, the Department, in collaboration with the Department of Human Services and the Maryland Department of Health, shall develop a process to refer an inmate who has been diagnosed with hepatitis C to the Department of Human Services or the Maryland Department of Health for enrollment in the Maryland Medical Assistance Program or the Primary Adult Care Program on release of the inmate.

(b) The Department shall provide counseling to inmates with hepatitis C on the management of hepatitis C and methods to reduce the transmission of hepatitis C.

(c) The Department, in collaboration with the Department of Human Services and the Maryland Department of Health, shall develop regulations to implement subsection (a) of this section.

§9–614.

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

(2) "Correctional unit" has the meaning stated in § 2–401 of this article.

(3) (i) "Restrictive housing" means a form of physical separation that has not been requested by the inmate in which the inmate is placed in a locked room or cell for approximately 22 hours or more out of a 24–hour period.

(ii) "Restrictive housing" includes administrative segregation and disciplinary segregation.

(b) (1) On or before December 31 each year, each correctional unit shall submit data to the Governor's Office of Crime Control and Prevention showing, by correctional unit:

(i) the total population of the correctional unit;

(ii) the number of inmates who have been placed in restrictive housing during the preceding year by age, race, gender, classification of housing, and the basis for the inmate's placement in restrictive housing;

(iii) the number of inmates with serious mental illness that were placed in restrictive housing during the preceding year;

(iv) the definition of "serious mental illness" used by the correctional unit in making the report;

(v) the number of inmates known to be pregnant when placed in restrictive housing during the preceding year;

(vi) the average and median lengths of stay in restrictive housing of the inmates placed in restrictive housing during the preceding year;

(vii) the number of incidents of death, self–harm, and attempts at self–harm by inmates in restrictive housing during the preceding year;

(viii) the number of inmates released from restrictive housing directly into the community during the preceding year;

(ix) any other data the correctional unit considers relevant to the use of restrictive housing by correctional facilities in the State; and

(x) any changes to written policies or procedures at each correctional unit relating to the use and conditions of restrictive housing, including steps to reduce reliance on restrictive housing.

(2) The Governor's Office of Crime Control and Prevention shall make the information submitted in accordance with paragraph (1) of this subsection available on its website and, when the information has been received from every correctional unit in accordance with paragraph (1) of this subsection, promptly submit the information in a report to the General Assembly, in accordance with § 2–1257 of the State Government Article.

§9–614.1.

(a) In this section, "restrictive housing" has the meaning stated in § 9–614 of this subtitle.

(b) This section applies to a facility operated by a correctional unit, as defined in § 2–401 of this article.

(c) A minor may not be placed in restrictive housing unless the managing official of the facility finds by clear and convincing evidence that there is an immediate and substantial risk:

(1) of physical harm to the minor, other inmates, or staff; or

(2) to the security of the facility.

(d) A minor placed in restrictive housing shall be provided:

(1) daily physical and mental health assessments to determine whether the minor may be released from restrictive housing;

(2) the same standard of access that is provided to inmates not in restrictive housing to:

(i) phone calls;

(ii) visits;

(iii) mail;

(iv) food;

(v) water;

(vi) showers;

(vii) sanitary supplies;

(viii) property, including clothing and bedding; and

(ix) medical, mental, and dental health care; and

(3) unless it would pose a risk of physical harm to the minor or another, maximized access to recreation, education, and programming.

(e) If a privilege or condition described in subsection (d) of this section is not provided to the minor, the managing official or the managing official's designee shall record the reason in the minor's file.

§9–615.

(a) This section applies to an inmate in a State or local correctional facility.

(b) The Department shall collect an inmate's earnings.

(c) From an inmate's earnings, the Department shall:

(1) if required by law, reimburse the county or State for the cost of providing food, lodging, and clothing to the inmate;

(2) pay court ordered payments for support of dependents;

(3) pay court ordered payments for restitution; and

(4) pay compensation for victims of crime in accordance with subsection (d) of this section.

(d) (1) Of the earnings of an inmate in the Private Sector/Prison Industry Enhancement Certification Program of the United States Department of Justice, Bureau of Justice Assistance, the Department shall withhold 20% for compensation for victims of crime, in accordance with the requirements of the Program.

(2) (i) This paragraph applies to an inmate who is subject to an unsatisfied judgment of restitution.

(ii) If an inmate has earnings that are not covered under the provisions of paragraph (1) of this subsection, the Department shall withhold 25% for compensation for victims of crime until the judgment is satisfied.

(3) (i) If a court in a criminal or juvenile delinquency proceeding has ordered the inmate to pay restitution, the Department shall forward the money withheld under paragraph (1) of this subsection to the Criminal Injuries Compensation Fund established under § 11–819 of the Criminal Procedure Article.

(ii) The Criminal Injuries Compensation Board shall distribute from the Criminal Injuries Compensation Fund any amount received under this paragraph to the person or governmental unit specified in the judgment of restitution to pay the restitution as required under § 11–607(b)(2) of the Criminal Procedure Article.

(4) If the inmate is not subject to a judgment of restitution or the judgment of restitution is satisfied, of the money withheld under paragraph (1) of this subsection, the Department shall pay:

(i) 50% into the Criminal Injuries Compensation Fund established under § 11–819 of the Criminal Procedure Article; and

(ii) 50% into the State Victims of Crime Fund established under § 11–916 of the Criminal Procedure Article.

(e) The Department shall:

(1) credit to the inmate's account any balance that remains after paying the items in subsection (c)(1) through (4) of this section; and

(2) pay the balance in the inmate's account to the inmate within 15 days after the inmate is released.

§9–616.

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

(2) "Commission" means the Maryland Commission on Correctional Standards.

(3) "Menstrual hygiene products" includes tampons and sanitary napkins for use in connection with the menstrual cycle.

(b) This section applies to local correctional facilities and correctional facilities in the Division of Correction.

(c) (1) Each correctional facility shall have a written policy and procedure in place requiring menstrual hygiene products to be provided at no cost to a female inmate on:

(i) admission to the facility;

(ii) a routine basis; and

(iii) request.

(2) The managing official of a correctional facility shall ensure that the facility has a sufficient supply of menstrual hygiene products available to meet the needs of the inmate population at all times.

(d) The Commission shall establish standards regarding the proper disposal of menstrual hygiene products.

(e) Each correctional facility shall maintain records on the provision and availability of menstrual hygiene products to inmates.

(f) The Commission shall review each correctional facility's policy and records relating to menstrual hygiene products during regular inspections.

§10–101.

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

(b) "Board" means the Board of Public Works.

(c) "State correctional facility" has the meaning stated in § 11–101(w) of the State Finance and Procurement Article.

§10–102.

(a) The Department shall:

(1) advise the Board in connection with each engineering question or matter concerning construction of a State correctional facility;

(2) supervise each engineering question or matter concerning the design or construction of a State correctional facility;

(3) subject to subsection (b) of this section, approve each architectural and engineering design and service in connection with the construction of a State correctional facility; and

(4) examine and approve or disapprove each design, plan, and specification prepared in connection with the preparation or execution of a contract for construction of a State correctional facility.

(b) Architectural and engineering services shall be procured as provided under Title 13, Subtitle 3 of the State Finance and Procurement Article.

§10–103.

A contract, plan, design, or specification for construction of a State correctional facility that involves an engineering question is subject to the approval of the Secretary.

§10–104.

(a) The Department shall:

(1) inspect and approve or disapprove the material, equipment, and methods used to construct a State correctional facility; and

(2) inspect the State correctional facility during the course of construction.

(b) The duty of the Department under this section does not relieve an architect or engineer of a supervisory responsibility for which the architect or engineer is employed.

§10–105.

The Department shall:

(1) represent the Board at the opening of bids for contracts related to construction of a State correctional facility;

(2) tabulate and record the bids; and

(3) advise the Board on the bids.

§10–106.

Notwithstanding the provisions of §§ 4-310 through 4-315 of the State Finance and Procurement Article:

(1) the purchase of all supplies, materials, and equipment for construction of a State correctional facility is subject to the approval of the Secretary;

(2) payment of an invoice for supplies, materials, or equipment that the Department purchases for construction of a State correctional facility may not occur until the Secretary or the Secretary's designee approves the invoice; and

(3) the Secretary shall set standards that are consistent with the provisions of Division II of the State Finance and Procurement Article for the

purchase of supplies, materials, and equipment by the Department for the construction of a State correctional facility.

§10–107.

(a) (1) The Board may not approve a contract to construct or renovate a State correctional facility for the Department, if the construction or renovation will provide more than 3,400 beds in the Jessup area of Anne Arundel and Howard counties.

(2) The total number of beds shall be computed as follows:

(i) Jessup Pre–Release Unit (including new drug unit)... 184;

(ii) Patuxent Institution 640;

(iii) Maryland Correctional Institution for Women..... 249;

(iv) Brockbridge Correctional Facility 515;

(v) House of Correction, for renovation or replacements (512+500+400+400) 1,812; and

(vi) Total 3,400.

(b) The limitation established under this section does not apply to a community adult rehabilitation center.

§10–201.

In this subtitle, "Office" means the Inmate Grievance Office.

§10–202.

There is an Inmate Grievance Office in the Department.

§10–203.

(a) (1) With the approval of the Governor, the Secretary shall appoint an Executive Director of the Office.

(2) The Executive Director serves at the pleasure of the Secretary.

(3) The Executive Director is entitled to the compensation provided in the State budget.

(b) In accordance with the State budget, the Secretary may provide the Office with the administrative, secretarial, and clerical employees necessary for the efficient administration of the powers and duties of the Office.

§10–204.

Subject to the approval of the Secretary, the Office may adopt regulations governing the conduct of its proceedings under this subtitle.

§10–205.

(a) The Office shall keep a record of all complaints submitted to the Office under this subtitle and the disposition of each complaint.

(b) The record shall be open to public inspection during regular business hours.

§10–206.

(a) Subject to subsection (b) of this section, if an individual confined in a correctional facility in the Division of Correction, otherwise in the custody of the Commissioner of Correction, or confined in the Patuxent Institution has a grievance against an official or employee of the Division of Correction or the Patuxent Institution, the individual may submit a complaint to the Office within the time and in the manner required by regulations adopted by the Office.

(b) If the Division of Correction or the Patuxent Institution has a grievance procedure applicable to the particular grievance of an individual described in subsection (a) of this section and the Office considers the procedure to be reasonable and fair, the Office, by regulation, may require that the procedure be exhausted before submission of a complaint to the Office.

§10–207.

(a) The Executive Director or the Director's designee shall conduct a preliminary review of each complaint submitted to the Office.

(b) (1) After preliminary review, if the complaint is determined to be wholly lacking in merit on its face, the Executive Director or the Director's designee may dismiss the complaint without a hearing or specific findings of fact.

(2) (i) The order of dismissal shall be forwarded to the complainant within 60 days after the complaint was submitted to the Office.

(ii) The order of dismissal constitutes the final decision of the Secretary for purposes of judicial review.

(c) (1) After preliminary review, if the complaint is not found to be wholly lacking in merit on its face, the Office shall refer the complaint to the Office of Administrative Hearings.

(2) The Office of Administrative Hearings shall hold a hearing on the complaint as promptly as practicable.

§10–208.

(a) The Office of Administrative Hearings may conduct hearings under this subtitle at correctional facilities in the Division of Correction or at the Patuxent Institution.

(b) With the approval of the Secretary, the Office of Administrative Hearings shall have access to documentary evidence of any person or facility that is the subject of an investigation or proceeding under this subtitle:

(1) at all reasonable times; and

(2) for the purpose of examining and copying the evidence.

(c) (1) The Office of Administrative Hearings may issue subpoenas requiring:

(i) the attendance and testimony of witnesses; and

(ii) the production of documentary evidence relating to any matter under investigation.

(2) The administrative law judge presiding at a hearing may administer oaths.

(3) A record of the testimony presented at the hearing shall be kept in accordance with regulations adopted by the Office of Administrative Hearings.

(d) (1) The complainant has the right to appear before the Office of Administrative Hearings and to be represented by an attorney of the complainant's choice at the complainant's expense.

(2) (i) The complainant shall have the opportunity to call a reasonable number of witnesses depending on the circumstances and the nature of the complaint, subject to the discretion of the Office of Administrative Hearings and the Inmate Grievance Office as to the relevance of the testimony and questions and the number of witnesses sought to be called.

(ii) The complainant shall have a reasonable opportunity to question any witness who testifies before the Office of Administrative Hearings.

(3) The rights of the complainant under this subsection may not be unreasonably withheld or restricted by the Office of Administrative Hearings or the Inmate Grievance Office.

§10–209.

(a) (1) Promptly after the hearing on a complaint, the Office of Administrative Hearings shall issue a decision in the form of an order.

(2) The order shall include a statement of the findings of fact, the conclusions of law, and the disposition of the complaint under subsection (b) of this section.

(b) (1) (i) If the Office of Administrative Hearings dismisses the complaint as wholly lacking in merit, it promptly shall forward an order of dismissal to the complainant.

(ii) The order of dismissal constitutes the final decision of the Secretary for purposes of judicial review.

(2) If the Office of Administrative Hearings concludes that the complaint is wholly or partly meritorious, it promptly shall forward a proposed order to the Secretary.

(c) (1) Within 15 days after receiving a proposed order under subsection (b)(2) of this section, the Secretary shall issue an order affirming, reversing, or modifying the order of the Office of Administrative Hearings, or remanding the complaint to the Office of Administrative Hearings for further proceedings.

(2) The Secretary may take any action the Secretary considers appropriate in light of the findings of the Office of Administrative Hearings, including ordering the appropriate official to accept as a whole or in part the recommendation of the Office of Administrative Hearings.

(3) (i) The Secretary's order shall be forwarded promptly to the complainant.

(ii) Unless the complaint is remanded, the Secretary's order constitutes the final decision for purposes of judicial review.

§10–210.

(a) A court may not consider an individual's grievance that is within the jurisdiction of the Office or the Office of Administrative Hearings unless the individual has exhausted the remedies provided in this subtitle.

(b) (1) The complainant is entitled to judicial review of the final decision of the Secretary under § 10-207(b)(2)(ii) or § 10-209(b)(1)(ii) or (c)(3)(ii) of this subtitle.

(2) Proceedings for review shall be instituted in the circuit court of the county in which the complainant is confined.

(3) Review by the court shall be limited to:

(i) a review of the record of the proceedings before the Office and the Office of Administrative Hearings and any order issued by the Secretary following those proceedings; and

(ii) a determination of whether the complainant's rights under federal or State law were violated.

(c) (1) The Administrative Procedure Act does not apply to appellate review of a final judgment of the circuit court under this section.

(2) A party aggrieved by the decision of the circuit court may file an application for leave to appeal to the Court of Special Appeals in accordance with the Maryland Rules.

§10–301.

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

(b) "Board" means the Sundry Claims Board.

(c) "Permanent partial disability" has the same meaning given under Title 9, Subtitle 6, Part IV of the Labor and Employment Article.

(d) "Permanent total disability" has the same meaning given under Title 9, Subtitle 6, Part V of the Labor and Employment Article.

§10–302.

There is a Sundry Claims Board in the Department.

§10–303.

(a) The Board consists of the following three members:

(1) the Secretary of Public Safety and Correctional Services, or the Secretary's representative;

(2) the Secretary of Budget and Management, or the Secretary's representative; and

(3) the Comptroller, or the Comptroller's representative.

(b) The Governor shall designate one member of the Board as chairperson and another member as secretary of the Board.

(c) The chairperson may call a meeting of the Board.

(d) Each member of the Board is entitled to reimbursement of expenses under the Standard State Travel Regulations, as provided in the State budget.

§10–304.

The Board shall administer benefits as provided under this subtitle to an individual who, while an inmate in the Patuxent Institution, the Baltimore City Detention Center, or a correctional facility in the Division of Correction:

(1) was engaged in work for which wages or a stipulated sum of money was paid by a correctional facility; and

(2) sustained a permanent partial disability or permanent total disability:

(i) as a result of a personal injury arising out of and in the course of work for which wages or a stipulated sum of money was paid by a correctional facility; and

(ii) that incapacitated the individual or materially reduced the individual's earning power in that type of work.

§10–305.

(a) (1) An injured inmate may file a claim for compensation against the State under this subtitle with the Board.

(2) The Board may receive original papers representing a claim even if the State has not appropriated money to pay the claim.

(b) An injured inmate shall file a claim with the Board by the later of:

(1) 12 months after being released from the correctional facility; or

(2) 24 months after the date of injury.

(c) The Board shall file and properly designate each claim by number, short title, or both.

§10–306.

(a) With respect to any claim, a member of the Board may:

(1) administer oaths; and

(2) issue subpoenas to compel:

(i) the attendance of witnesses; and

(ii) the production of pertinent records or documents.

(b) The Board may petition a circuit court for an order of contempt against a person who refuses to:

(1) comply with a subpoena issued by a Board member;

(2) comply with a request by a Board member to be sworn to an oath; or

(3) answer as a witness before the Board.

§10–307.

(a) (1) The Board shall investigate each claim filed under § 10-305 of this subtitle.

(2) After its investigation, the Board shall:

(i) approve the claim;

(ii) approve the claim subject to conditions and limitations; or

(iii) disapprove the claim.

(b) The Board shall append to the original papers representing the claim a concise written statement of the facts developed in the proceedings on which its approval, conditional or limited approval, or disapproval is based.

(c) (1) The Board shall file the original papers representing the claim and all appended documents in the office of the Secretary.

(2) (i) The Board shall send a copy of the original papers representing the claim and all appended documents to:

1. the Comptroller; and

2. the Secretary of Budget and Management.

(ii) The Comptroller and the Secretary of Budget and Management shall keep a record of the documents sent by the Secretary under item (i) of this paragraph.

(3) The original papers representing the claim and all appended documents constitute a permanent claims record.

§10–308.

(a) In determining what compensation, if any, to allow a claimant, the Board shall consider:

(1) the good faith of the claimant;

(2) the possibility that the alleged injury was self-inflicted or not accidental;

(3) the extent and nature of the injury;

(4) the degree of disability;

(5) the period of disability or incapacity for other work; and

(6) the ordinary earning power of the claimant.

(b) (1) The Governor shall include money to pay a claim that is approved by the Board in the State budget for the fiscal year that follows the fiscal year in which the Board approves the claim.

(2) The Board shall pay to the claimant or the claimant's representative any compensation approved by the Board and included in the State budget.

(c) The compensation authorized under this subtitle is the exclusive remedy against the State for a claim that falls within the jurisdiction of the Board.

(d) An inmate working under the supervision of Maryland Correctional Enterprises in the Federal Prison Industry Enhancement Program:

(1) is excluded from the jurisdiction of the Board; and

(2) shall be administered benefits as provided under Title 9 of the Labor and Employment Article.

§10–309.

(a) (1) A claimant aggrieved by a final determination of the Board may file a petition for judicial review in the circuit court of the county where the injury occurred or where the claimant resides.

(2) The Board may be a party to the action.

(b) The circuit court may:

(1) affirm the Board's determination;

(2) reverse or modify a determination it finds to be arbitrary or unreasonable; or

(3) remand the case and direct the Board to consider the matter further or make additional findings of fact.

(c) The claimant or the Board may appeal a decision of the circuit court to the Court of Special Appeals.

§10–310.

Subject to the approval of the Secretary, the Board may adopt regulations governing claims filed under this subtitle.

§10–401.

In this subtitle, "committee" means a citizens' advisory committee established under this subtitle.

§10–402.

There is a citizens' advisory committee for the State correctional facilities located in or planned for location in each of the following areas:

(1) Baltimore City;

(2) Cumberland;

(3) Hagerstown;

(4) Jessup; and

(5) Somerset County.

§10–403.

(a) Except as provided in subsection (f)(1) of this section, a committee consists of the following seven members:

(1) one member appointed by the Governor and nominated by the Senator of the legislative district in which the State correctional facilities are located or planned for location;

(2) three members appointed by the Governor, each one nominated by a different Delegate in the legislative district in which the State correctional facilities are located or planned for location; and

(3) three members appointed by the Governor to provide, to the extent possible, legal, law enforcement, and business representatives on the committee.

(b) The Governor shall appoint each individual nominated by a Senator or Delegate for a vacancy on a committee within 60 days after receipt of the nominee's name.

(c) (1) Each member nominated by a Senator or Delegate must be a resident of the legislative district in which the State correctional facilities are located or planned for location.

(2) Each member appointed by the Governor under subsection (a)(3) of this section, must be a resident of the county in which the State correctional facilities are located or planned for location.

(d) (1) Except as provided in subsection (f)(3) of this section and except for the initial appointments to a committee, the term of a member is 3 years.

(2) The terms of members are staggered as required by the terms provided for members of the committee on October 1, 1999.

(e) (1) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(2) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(f) (1) In Somerset County, the committee consists of the following eight members:

(i) one member appointed by the Governor and nominated by the Senator from Legislative District 38;

(ii) three members appointed by the Governor, each one nominated by a different Delegate from Legislative District 38;

(iii) three members appointed by the Governor to provide, to the extent possible, legal, law enforcement, and business representatives on the committee; and

(iv) a Somerset County Commissioner appointed by the Board of County Commissioners of Somerset County.

(2) Each member of the committee must be a resident of Somerset County.

(3) The term of the Somerset County Commissioner appointed under paragraph (1)(iv) of this subsection is equal to the Commissioner's elected term.

§10–404.

(a) From among its members, each committee shall elect a chairperson.

(b) The manner of election shall be as each committee determines.

§10–405.

(a) A majority of the members then serving on a committee is a quorum.

(b) (1) Each committee shall meet at least once every 3 months.

(2) The meetings of each committee shall be held:

(i) in a State correctional facility in a space designated by the managing official of the facility; or

(ii) if a State correctional facility is being planned, in a location accessible to the members of the committee.

(c) A member of a committee may not receive compensation.

§10–406.

The Department shall provide staff to a committee in accordance with the State budget.

§10–407.

A committee may:

(1) report to the Commissioner of Correction and the Governor about the concerns of the people who reside in the vicinity of each State correctional facility assigned to the committee;

(2) be available to interpret programs and problems relating to each State correctional facility assigned to the committee to the people who reside in the vicinity of each facility; and

(3) perform other services and responsibilities considered necessary.

§10–501.

In this subtitle, "fund" means an inmate welfare fund established under § 10-502 of this subtitle.

§10–502.

(a) There is an inmate welfare fund in each State correctional facility.

(b) A fund may be used only for goods and services that benefit the general inmate population as defined by regulations that the Department adopts.

§10–503.

(a) (1) Each fund is a special continuing, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) (i) Each fund consists of:

1. profits derived from the sale of goods through the commissary operation and telephone and vending machine commissions; and

2. subject to subparagraph (ii) of this paragraph, money received from other sources.

(ii) Money from the General Fund of the State may not be transferred by budget amendment or otherwise to a fund.

(3) The Treasurer shall separately hold and the Comptroller shall account for each fund.

(4) Each fund is subject to an audit by the Office of Legislative Audits under § 2-1220 of the State Government Article.

(b) (1) Each fund shall be invested and reinvested in the same manner as other State funds.

(2) Any investment earnings are not a part of the fund.

§10–504.

The Comptroller shall pay out money from each fund as approved in the State budget.

§10–601.

(a) As used in this section, "facility" means a correctional facility of any kind for adults or juveniles.

(b) Another state may not begin construction or otherwise locate a facility in this State unless the other state submits a written request for approval to construct or locate the facility to and receives approval from:

(1) the Secretary of Public Safety and Correctional Services, in the case of a facility for adults; or

(2) the Secretary of Juvenile Services, in the case of a facility for juveniles.

(c) (1) The Secretary of Public Safety and Correctional Services may approve or disapprove a request for approval to construct or locate a facility for adults in this State.

(2) The Secretary of Juvenile Services may approve or disapprove a request for approval to construct or locate a facility for juveniles in this State.

(3) Approval or disapproval shall be:

(i) after consultation with the Governor, the governing body of the county in which the facility will be located, and the community in which the facility will be located; and

(ii) in accordance with applicable standards concerning the location of facilities.

(d) If another state has an existing facility in this State, the other state may not increase the inmate population of that facility by more than 5% unless the other state first submits a written request for the increase to and receives approval for the increase from:

(1) the Secretary of Public Safety and Correctional Services, in the case of a facility for adults; or

(2) the Secretary of Juvenile Services, in the case of a facility for juveniles.

§10–701.

(a) (1) There is an Intelligence and Investigative Division in the Department.

(2) The Secretary shall appoint the Director of the Intelligence and Investigative Division.

(3) Subject to the authority of the Secretary, the Intelligence and Investigative Division shall:

(i) investigate:

1. alleged criminal violations committed by employees of the Department while on duty;

2. alleged criminal violations committed by inmates, visitors, and other individuals that affect the safety or security of the Department's facilities or programs; and

3. alleged professional misconduct by employees of the Department;

(ii) adopt regulations for the conduct of its investigations; and

(iii) oversee and coordinate all intelligence efforts within the Department.

(b) An investigator in the Intelligence and Investigative Division may exercise the powers of a peace or police officer in the State on property that is owned, leased, operated by, or under the control of the Department.

(c) (1) An investigator in the Intelligence and Investigative Division may exercise the powers of a peace or police officer in the State on property that is not owned, leased, operated by, or under the control of the Department when:

(i) engaged in fresh pursuit of a suspected offender;

(ii) requested or authorized to do so by the chief executive officer or chief police officer of a county;

(iii) necessary to facilitate the orderly flow of traffic to and from property owned, leased, operated by, or under the control of the Department;

(iv) necessary to investigate and protect property that is owned, leased, operated by, or under the control of the Department;

(v) engaged in an active and official investigation of the conduct of an employee of the Department when the employee's alleged conduct will compromise the safety or security of the Department's facilities or programs;

(vi) engaged in an active and official investigation of an inmate in the custody of the Commissioner of Correction or the Commissioner of Pretrial Detention and Services, an inmate subject to the jurisdiction of the Patuxent Institution, or an individual sentenced to probation or released on parole or mandatory supervision; or

(vii) ordered to do so by the Governor.

(2) When acting under the authority granted in this subsection in connection with an investigation or enforcement action, the Intelligence and Investigative Division shall notify the following persons:

(i) when in an incorporated municipality, the chief of police, if any, or the chief's designee;

(ii) when in a county that has a county police department, the chief of police or the chief's designee;

(iii) when in a county without a police department, the sheriff or the sheriff's designee;

(iv) when in Baltimore City, the Police Commissioner or the Police Commissioner's designee;

(v) when on any property owned, leased, operated by, or under the control of the Department of Natural Resources, the Secretary of Natural Resources or the Secretary's designee;

(vi) when on any property owned, leased, operated by, or under the control of the Maryland Transportation Authority, the Maryland Aviation Administration, or the Maryland Port Administration, the respective chief of police or the chief's designee; and

(vii) unless there is an agreement otherwise with the Department of State Police, the Department of State Police barrack commander or designee.

(3) The notification required under paragraph (2) of this subsection shall be made:

(i) in advance, if practicable; or

(ii) if advance notification is not practicable, as soon as possible after the exercise of the powers.

(4) When acting under the authority granted in this subsection, a member of the Intelligence and Investigative Division shall have all the immunities from liability and exemptions as that of a State Police officer in addition to any other immunities and exemptions to which the member may otherwise be entitled.

(5) A member of the Intelligence and Investigative Division who uses the authority granted in this subsection shall at all times and for all purposes remain an employee of the Intelligence and Investigative Division.

(d) An individual who is employed as an investigator in the Intelligence and Investigative Division shall meet the minimum qualifications required and satisfactorily complete the training prescribed by the Maryland Police Training Commission.

§10–801.

(a) In this section:

(1) "contraband" means any item, material, substance, or other thing of value that:

(i) is not authorized for inmate possession by the Commissioner of Correction, the Director of Patuxent Institution, the Commissioner of Pretrial Detention and Services, or the warden of a State correctional facility; or

(ii) is brought into a State correctional facility in a manner prohibited by the Commissioner of Correction, the Director of Patuxent Institution, the Commissioner of Pretrial Detention and Services, or the warden of a State correctional facility; and

(2) "contraband" includes any other property defined in regulations by the Commissioner of Correction, the Director of Patuxent Institution, or the Commissioner of Pretrial Detention and Services.

(b) (1) A State correctional facility shall hold for 30 days any personal property of an inmate that comes into the possession of any official or employee of the State correctional facility:

(i) as the result of an escape by the inmate; or

(ii) because the personal property has been unclaimed by an inmate who has the right to its possession.

(2) During the 30-day holding period, the State correctional facility shall post notice in a conspicuous location in the State correctional facility.

(3) The State correctional facility shall deliver personal property being held by the State correctional facility to an inmate if:

(i) the property is claimed within the 30-day holding period;

(ii) the inmate satisfactorily establishes a right to possession of the property; and

(iii) the inmate gives a proper receipt for the property.

(c) (1) The Commissioner of Correction, the Director of the Patuxent Institution, and the Commissioner of Pretrial Detention and Services shall adopt regulations:

(i) to define what property constitutes contraband in State correctional facilities;

(ii) to establish procedures for the confiscation of contraband by staff of State correctional facilities; and

(iii) to establish procedures governing hearings on the issue of forfeiture of confiscated property.

(2) (i) Except as provided in paragraph (3) of this subsection, an inmate whose property is confiscated as contraband shall be notified of the right to have the property removed from the State correctional facility or sent to a person outside the State correctional facility at the inmate's expense.

(ii) If an inmate fails to have property removed from or sent outside the State correctional facility within 30 days after receipt of notice of confiscation, the property shall be deemed abandoned property under subsection (d)(2) and (3) of this section.

(3) (i) Property confiscated as contraband may be subject to forfeiture.

(ii) Property may not be forfeited under subparagraph (i) of this paragraph, unless, prior to forfeiture, the State correctional facility provides notice to the inmate:

1. that the property has been confiscated; and

2. of the right to a hearing on the issue of forfeiture.

(iii) A hearing on a disciplinary infraction may include the adjudication of any issue of forfeiture of confiscated property.

(d) (1) Personal property that is unclaimed within the 30-day holding period established under subsection (b) of this section shall be deemed abandoned property.

(2) Abandoned property may be sold, converted to the use of the Division of Correction, the Patuxent Institution, or the Division of Pretrial Detention and Services, or otherwise disposed of in accordance with procedures established by regulation.

(3) All claims to abandoned property are absolutely barred.

(e) (1) This section does not create or recognize any cause, action, or defense or abridge any immunity of the Department or any of its units, officials, or employees.

(2) This section does not affect the authority of State correctional facilities to seize and dispose of personal property that is contraband per se in accordance with applicable law without a hearing.

§10–901.

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

(b) "Appointing authority" has the meaning stated in § 1–101 of the State Personnel and Pensions Article.

(c) "Correctional officer" means an employee of the Department working in a State correctional facility who serves in the classification of correctional officer II, sergeant, lieutenant, captain, or major, and includes:

(1) a correctional dietary officer;

(2) a correctional maintenance officer;

(3) a correctional laundry officer;

(4) a correctional recreation officer; and

(5) a correctional supply officer.

(d) (1) "Hearing" means a proceeding during an investigation conducted by a hearing board to take testimony or receive other evidence, or a contested case proceeding before the Office of Administrative Hearings, elected by the correctional officer.

(2) "Hearing" does not include an interrogation at which no testimony is taken under oath.

(e) "Hearing board" means a hearing board that is authorized under § 10–908 of this subtitle to hold a hearing on a complaint against a correctional officer.

(f) "Intelligence and Investigative Division" means the Intelligence and Investigative Division established under § 10–701 of this title.

(g) "Misconduct" means:

(1) engaging in intentional behavior, without justification, that injures another person, causes damage to property, or threatens the safety of the workplace;

(2) engaging in unjustifiably offensive conduct toward fellow employees, inmates, or the public;

(3) using excessive force in the treatment or care of an inmate;

(4) possessing or trafficking in contraband at a Department facility;

(5) being on duty while under the influence of alcohol or a controlled dangerous substance, or while engaged in the illegal use of a prescription drug;

(6) engaging in a social, personal, intimate, or sexual relationship with an inmate;

(7) stealing State property with a value of $300 or less;

(8) engaging in conduct involving dishonesty, fraud, deceit, misrepresentation, or illegality;

(9) willfully making a false official statement or report;

(10) violating a lawful order or failing to obey a lawful order given by a superior;

(11) engaging in any of the actions that are cause for automatic termination of employment under § 11–105 of the State Personnel and Pensions Article; or

(12) committing any violation of the Department's Standards of Conduct.

§10–902.

(a) The purpose of this subtitle is to establish exclusive procedures for the investigation and discipline of a correctional officer for alleged misconduct.

(b) The disciplinary actions authorized under this subtitle are those authorized under §§ 11–104 and 11–105 of the State Personnel and Pensions Article.

§10–903.

(a) Except as otherwise provided, the provisions of this subtitle supersede any inconsistent provisions of any other State law, including § 11–106 of the State Personnel and Pensions Article, that conflict with this subtitle to the extent of the conflict.

(b) This subtitle does not limit the authority of the appointing authority to regulate the competent and effective operation and management of a State correctional facility by reasonable means including the transfer and reassignment of employees if:

(1) that action is not punitive in nature; and

(2) the appointing authority determines that action to be in the best interests of the internal management of the correctional facility.

§10–904.

(a) A correctional officer may not be required or requested to disclose an item of the correctional officer's property, income, assets, source of income, debts, or personal or domestic expenditures, including those of a member of the correctional officer's family or household, unless the disclosure is required by federal or State law

or the information is necessary to investigate a possible conflict of interest with respect to the performance of the correctional officer's duties.

(b) A correctional officer may not be discharged, disciplined, or demoted, denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to the correctional officer's employment or be threatened with that treatment because the correctional officer:

(1) has exercised or demanded the rights granted by this subtitle; or

(2) has lawfully exercised constitutional rights.

(c) The right of a correctional officer to bring suit arising out of the correctional officer's duties as a correctional officer may not be abridged by rule, regulation, or policy.

(d) A correctional officer may waive any or all of the rights under this subtitle if:

(1) the waiver is signed and acknowledged by the correctional officer; and

(2) the waiver is given after the correctional officer is given an opportunity to consult with legal counsel selected by the correctional officer or a representative from the correctional officer's employee organization.

§10–905.

(a) The investigation or interrogation by the appointing authority or by the Intelligence and Investigative Division of a correctional officer for a reason that may lead to disciplinary action, demotion, or dismissal shall be conducted in accordance with this section.

(b) The investigating officer or interrogating officer shall be a member of the Intelligence and Investigative Division or a designee of the appointing authority.

(c) (1) At least 24 hours before an interrogation, the correctional officer under investigation shall be informed of the name, rank, and command of:

(i) the person in charge of the investigation;

(ii) the interrogating officer; and

(iii) each individual who will be present during the interrogation.

(2) At least 24 hours before an interrogation, the correctional officer under investigation shall be informed in writing by the appointing authority of:

(i) the nature of the investigation; and

(ii) the correctional officer's rights under this subtitle.

(d) If the correctional officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, the correctional officer shall be informed completely of the correctional officer's constitutional rights before the interrogation begins.

(e) Unless the seriousness of the investigation is of a degree that an immediate interrogation is required, the interrogation shall be conducted at a reasonable hour, preferably when the correctional officer is on duty.

(f) The interrogation shall take place at:

(1) the appointing authority's office;

(2) the appointing authority's conference room; or

(3) another reasonable and appropriate place.

(g) (1) All questions directed to the correctional officer under interrogation shall be asked by one person during any one session of interrogation.

(2) Each session of interrogation shall allow for personal necessities and rest periods as reasonably necessary.

(h) The correctional officer under interrogation may not be threatened with criminal prosecution, transfer, dismissal, or disciplinary action.

(i) (1) If requested by or on behalf of the correctional officer under investigation, the correctional officer may not be questioned or interrogated, and any current questioning or interrogation must cease, unless:

(i) 1. the correctional officer is represented by legal counsel selected by the correctional officer;

2. the correctional officer is represented by an agent of the exclusive representative of the correctional officer designated under § 3–406 of the State Personnel and Pensions Article; or

3. the correctional officer chooses an agent of the employee organization selected by the correctional officer for an investigation under this subtitle if the correctional officer is not within the bargaining unit for which an exclusive representative is designated; and

(ii) the legal counsel or the agent selected by the correctional officer is present and available for consultation at all times during the interrogation.

(2) (i) Subject to subparagraph (ii) of this paragraph, if representation is not available, the interrogation shall be suspended until representation is obtained.

(ii) A suspension of interrogation under subparagraph (i) of this paragraph may not exceed 10 days unless the appointing authority, for good cause shown, extends the period for obtaining representation.

(3) During the interrogation, the correctional officer's counsel or representative may:

(i) request a recess at any time to consult with the correctional officer;

(ii) object to any question posed; and

(iii) state on the record outside the presence of the correctional officer the reason for the objection.

(j) (1) A complete record shall be kept of the entire interrogation, including all recess periods.

(2) The record shall be made by electronic equipment or by a stenographer.

(3) On completion of the investigation, and on request of the correctional officer or the correctional officer's counsel or representative, a copy of the record of the interrogation shall be provided within 5 days of the request.

(k) (1) The person assigned to conduct the investigation may order the correctional officer under investigation to submit to blood alcohol tests, blood, breath,

or urine tests for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject matter of the investigation.

(2) If the correctional officer is ordered to submit to a test, examination, or interrogation described in paragraph (1) of this subsection and the correctional officer refuses to do so, the appointing authority may commence an action that may lead to discipline as a result of the refusal.

(3) If a correctional officer is ordered to submit to a test, examination, or interrogation described in paragraph (1) of this subsection, the results of the test, examination, or interrogation are not admissible or discoverable in a criminal proceeding against the correctional officer.

(l) (1) If the correctional officer is ordered to submit to a polygraph examination, the results of the polygraph examination may not be used as evidence in a hearing board or an administrative hearing unless the appointing authority and the correctional officer agree to the admission of the results.

(2) The correctional officer's counsel or representative need not be present during the actual administration of a polygraph examination by a certified polygrapher if:

(i) the questions to be asked are reviewed with the correctional officer or the counsel or representative before the administration of the examination;

(ii) the counsel or representative is allowed to observe the administration of the examination; and

(iii) a copy of the final report of the examination by the certified polygrapher is made available to the correctional officer or the counsel or representative within a reasonable time, not exceeding 10 days, after completion of the examination.

(m) On completion of an investigation and at least 20 days before a hearing, the correctional officer under investigation shall be:

(1) notified of the name of each witness and of each charge and specification against the correctional officer; and

(2) provided with a copy of the investigatory file and any exculpatory information, if the correctional officer and the correctional officer's counsel or representative agree to execute a confidentiality agreement with the appointing authority or the Intelligence and Investigative Division not to disclose any material

contained in the investigatory file or exculpatory information for any purpose other than to defend the correctional officer.

(n) A person may not insert adverse material into a file of the correctional officer, except the file of the Intelligence and Investigative Division, unless the correctional officer has an opportunity to review, sign, receive a copy of, and comment in writing on the adverse material.

§10–906.

(a) A correctional officer who is denied a right granted by this subtitle may apply to the circuit court of the county where the correctional officer is regularly employed for an order to show cause why the right should not be granted.

(b) The correctional officer may apply for the show cause order:

(1) either individually or through the correctional officers' exclusive bargaining representative who shall have standing for that purpose; and

(2) at any time before the beginning of a hearing by the hearing board.

§10–907.

(a) The appointing authority may not bring charges recommending the imposition of discipline more than 90 days after the Intelligence and Investigative Division or the appointing authority acquires knowledge of the action that gives rise to the discipline.

(b) The 90–day limitation established under subsection (a) of this section does not apply to charges that relate to criminal activity if the criminal activity:

(1) relates to the correctional officer's official duties;

(2) arises from events that occur at a correctional facility; or

(3) involves an inmate or detainee at a correctional facility.

(c) An appointing authority may not recommend disciplinary action against a correctional officer for excessive use of force against an inmate based solely on the uncorroborated statement of the inmate unless the appointing authority determines that there exists any indicia of reliability to support the inmate's allegation.

(d) This section does not limit the right of the Department to investigate claims of excessive force against inmates to ensure the safety and security of its correctional facilities, or for any other legitimate purpose.

§10–908.

(a) If the appointing authority brings charges recommending discipline against a correctional officer, the charges shall contain:

(1) a statement of facts and offenses alleged; and

(2) notice of the correctional officer's appeal rights.

(b) The appointing authority shall provide the charges and notice required under subsection (a)(2) of this section to the correctional officer and to the correctional officer's legal counsel or the agent of the employee organization selected by the correctional officer under § 10–907 of this subtitle.

(c) On receiving charges which recommend termination, demotion, or suspension without pay of 10 days or greater, a correctional officer may:

(1) file an appeal under § 11–109 of the State Personnel and Pensions Article; or

(2) within 15 days after receiving the charges, file a request for a hearing by a hearing board.

(d) If a correctional officer receives charges which recommend discipline other than termination, demotion, or suspension without pay of 10 days or greater, before the appointing authority takes action on the discipline, the correctional officer may appeal only under § 11–109 of the State Personnel and Pensions Article.

(e) An emergency suspension is not subject to appeal.

(f) An action which does not constitute discipline under § 11–107 of the State Personnel and Pensions Article is not subject to appeal.

§10–909.

(a) A correctional officer who has been charged with a felony may request a stay of all charges and proceedings under this section until after a verdict has been reached in the felony case.

(b) A correctional officer who has been convicted of a felony is not entitled to a hearing under this section.

(c) (1) (i) The hearing board authorized under this section shall consist of at least three members.

1. For correctional officers holding the rank of sergeant or below, the hearing board shall be composed of two correctional officers who are members of the bargaining unit, one of whom is the same rank as the correctional officer facing charges, and one correctional officer ranked lieutenant or higher.

2. For correctional officers holding the rank of lieutenant and above, the hearing board shall be composed of one correctional officer of equal rank, one correctional officer of equal or lower rank, and one correctional officer of equal or higher rank.

(ii) Correctional officers assigned to serve on a hearing board shall be randomly selected from a rotating list of correctional officers eligible to serve on disciplinary hearing boards maintained by the Department.

(iii) The Department, after consultation with the exclusive representative for the correctional officers who are covered by this subtitle, shall determine:

1. the manner of selection of correctional officers who are eligible to serve on a rotating list; and

2. the manner of the selection of correctional officers for a hearing board.

(iv) Correctional officers assigned to serve on a hearing board shall be from a facility other than the facility to which the correctional officer facing charges is regularly assigned, and may not have had a role in the investigation or the interrogation of the correctional officer against whom the charges are filed, or be involved in any way with the incidents that are the subject of the complaint.

(v) 1. The highest ranking member of the hearing board shall serve as the hearing board chair.

2. The chair of the hearing board:

A. shall participate in any deliberations; but

B. may only vote on the decision in the event of a tie; and

C. may file a statement of position for the record.

3. The chair of the hearing board shall be from a different facility than the other board members.

(vi) The appointing authority and the exclusive bargaining representative may negotiate an alternative method of forming the hearing board for members of the collective bargaining unit.

(2) (i) Decisions of the hearing board shall be by majority vote of all members of the board.

(ii) The votes of the hearing board are confidential, and decisions shall be reported by the chair.

(d) (1) In connection with a disciplinary hearing, the hearing board may issue subpoenas to compel the attendance and testimony of witnesses and the production of documents as relevant or necessary.

(2) The subpoenas may be served without cost in accordance with the Maryland Rules that relate to service of process issued by a court.

(3) Each party may request the hearing board to issue a subpoena or order under this subtitle.

(4) In case of refusal to obey a subpoena served under this subsection, the parties to the proceeding may apply without cost to the circuit court of a county where the subpoenaed party resides or conducts business, for an order to compel the attendance and testimony of the witness or the production of the documents sought.

(5) On a finding that the attendance and testimony of the witness or the production of the documents sought is relevant or necessary, the court may:

(i) issue without cost an order that requires the attendance and testimony of witnesses or the production of documents; and

(ii) impose punishment for failure to obey the order.

(e) (1) The hearing shall be conducted by the hearing board.

(2) The hearing board shall give the Department and correctional officer ample opportunity to present evidence and argument about the issues involved.

(3) (i) The correctional facility and correctional officer may be represented by legal counsel they each may select.

(ii) In the alternative, a correctional officer may be represented:

1. by an agent of the exclusive representative of the correctional officer designated under § 3–406 of the State Personnel and Pensions Article; or

2. if the correctional officer is not within the bargaining unit for which an exclusive representative is designated under § 3–406 of the State Personnel and Pensions Article, by any person chosen by the correctional officer.

(4) Each party has the right to cross–examine witnesses who testify, and each party may submit rebuttal evidence.

(f) (1) Evidence with probative value that is commonly accepted by reasonable and prudent individuals in the conduct of their affairs is admissible and shall be given probative effect.

(2) The hearing board shall give effect to the rules of privilege recognized by law and may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(3) Each record or document that a party desires to use shall be offered and made a part of the record.

(4) Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.

(g) (1) The hearing board may take notice of:

(i) judicially and administratively cognizable facts; and

(ii) general, technical, or scientific facts within its specialized knowledge.

(2) The hearing board shall:

(i) notify each party of the facts so noticed either before or during the hearing or by reference in preliminary reports or otherwise; and

(ii) give each party an opportunity and reasonable time to contest the facts so noticed.

(3) The hearing board may use its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented.

(h) The officiating member of a hearing board shall administer oaths or affirmations and examine individuals under oath.

(i) (1) A correctional officer shall be granted release time from the correctional officer's normal work schedule to attend a conference or hearing as a witness.

(2) Expenses incurred in connection with attendance by a correctional officer at conferences or hearings, whether as a grievant, as a grievant's representative, or as a witness, shall be borne by the Department.

(j) An official record, including testimony and exhibits, shall be kept of the hearing.

(k) To the extent that any provision of this section is inconsistent with the Administrative Procedure Act, the Administrative Procedure Act shall govern.

§10–910.

(a) (1) A decision, order, or action taken as a result of a hearing under § 10–909 of this subtitle shall be in writing and accompanied by findings of fact.

(2) The findings of fact shall consist of a concise statement on each issue in the case.

(3) A finding of not guilty by the hearing board terminates the action.

(4) The hearing board may make a finding of guilty on a preponderance of the evidence that establishes that the correctional officer engaged in misconduct on any of the charges.

(5) The hearing board shall make a separate finding of guilty or not guilty as to each offense alleged.

(6) If the hearing board makes a finding of guilt, the hearing board shall:

(i) reconvene the hearing;

(ii) receive evidence; and

(iii) consider the correctional officer's past job performance, the relation of the contemplated disciplinary action to any prior disciplinary action, and other relevant mitigating information as factors before deciding a penalty.

(7) The hearing board shall recommend the penalty it considers appropriate under the circumstances, including disciplinary suspension without pay, demotion, dismissal, transfer, loss of pay, reassignment, or other similar action that is considered punitive.

(8) For the purposes of this subsection, performance–based offenses shall be considered one type of offense and attendance–based offenses shall be considered another type of offense.

(9) A copy of the decision or order, findings of fact, conclusions, and a written determination of penalty shall be delivered or mailed promptly to:

(i) the correctional officer and the correctional officer's counsel or representative of record;

(ii) the appointing authority of the correctional facility; and

(iii) the Secretary.

(b) (1) Within 30 days after receipt of the recommendations of the hearing board, the appointing authority shall:

(i) review the findings, conclusions, and recommendations of the hearing board; and

(ii) issue a final order.

(2) The final order and decision of the appointing authority is binding, but may be appealed in accordance with § 10–911 of this subtitle.

(3) The recommendation of a penalty by the hearing board is not binding on the appointing authority.

(4) The appointing authority shall consider the correctional officer's past job performance and the relation of the contemplated disciplinary action to any prior disciplinary action before imposing a penalty.

(5) Before terminating a correctional officer under this subsection, the appointing authority shall obtain approval from the Secretary.

(6) With the approval of the Secretary, the appointing authority may increase the recommended penalty of the hearing board if the appointing authority:

(i) reviews the entire record of the proceedings of the hearing board;

(ii) meets with the correctional officer and allows the correctional officer to be heard on the record;

(iii) at least 10 days before the meeting, discloses and provides in writing to the correctional officer any oral or written communication not included in the record of the hearing board on which the decision to consider increasing the penalty is wholly or partly based; and

(iv) states on the record the substantial evidence on which the appointing authority relied to support the increase of the recommended penalty.

(c) (1) The Correctional Training Commission may revoke the certification of a correctional officer in conjunction with disciplinary action taken under this subtitle.

(2) If a hearing board rescinds or modifies a disciplinary action against a correctional officer, the hearing board may reinstate the correctional officer's certification with no further examination or condition.

§10–911.

(a) An appeal from a decision made under § 10–910 of this subtitle shall be taken to the circuit court for the county in accordance with Maryland Rule 7–202.

(b) A party aggrieved by a decision of a court under this subtitle may appeal to the Court of Special Appeals.

§10–912.

(a) On request, a correctional officer may have expunged from any file the record of a formal complaint made against the correctional officer if:

(1) the Intelligence and Investigative Division that investigated the complaint:

(i) exonerated the correctional officer of all charges in the complaint; or

(ii) determined that the charges were unsustained or unfounded; or

(2) a hearing board acquitted the correctional officer, dismissed the action, or made a finding of not guilty.

(b) There is no time requirement for expungement under paragraph (1) of this subsection.

§10–913.

(a) This subtitle does not prohibit emergency suspension with pay by a correctional officer of higher rank as designated by the appointing authority.

(b) (1) The appointing authority may impose emergency suspension with pay if it appears that the action is in the best interest of the inmates, the public, and the correctional facility.

(2) If the correctional officer is suspended with pay, the appointing authority may suspend the correctional powers of the correctional officer and reassign the correctional officer to restricted duties pending:

(i) a determination by a court with respect to a criminal violation; or

(ii) a final determination by the hearing board or the Office of Administrative Hearings with respect to a correctional facility violation.

(3) A correctional officer who is suspended under this subsection is entitled to a prompt hearing.

(c) (1) The appointing authority may impose an emergency suspension of correctional powers without pay if:

(i) a correctional officer is charged with a felony;

(ii) a correctional officer is charged with a violation of § 9–415, § 9–416, or § 9–417 of the Criminal Law Article; or

(iii) a correctional officer is charged with a violation of § 9–412 of the Criminal Law Article involving contraband that is:

1. money or a money equivalent; or

2. an item or substance intended to cause physical injury.

(2) A correctional officer who is suspended under paragraph (1) of this subsection is entitled to a prompt hearing, held no more than 90 days after the suspension.

(3) Except as provided in paragraph (4) of this subsection, a correctional officer who is suspended under paragraph (1) of this subsection and who is not convicted of the felony or misdemeanor for which the suspension was imposed shall have:

(i) the suspension rescinded; and

(ii) any lost time, compensation, status, and benefits restored.

(4) Paragraph (3) of this subsection does not apply to a correctional officer who:

(i) resigns before the disposition of the criminal matter for which the suspension was imposed; or

(ii) is no longer employed by the Department when a determination is made by a court with respect to the criminal matter for which the suspension was imposed.

§11–101.

Except as provided in § 11-102.1 of this subtitle, this subtitle does not apply to Baltimore City.

§11–102.

(a) The governing body of one or more counties may establish and maintain a local correctional facility.

(b) (1) The governing bodies of two or more counties may enter into a written agreement with each other as to allocation of responsibility, construction, operation, maintenance, and appointment of personnel in connection with a local correctional facility.

(2) The State may be a party to an agreement under this subsection.

§11–102.1.

A municipal corporation or Baltimore City may not establish a local correctional facility outside its corporate limits unless it has obtained approval from the governing body of the county in which the local correctional facility is proposed to be established.

§11–103.

(a) The managing official of a local correctional facility is responsible for the safekeeping and care of each inmate or other individual detained in or sentenced to the local correctional facility from the time the inmate or individual is lawfully detained in or committed to the local correctional facility until discharged, released, or withdrawn under a court order or other lawful authority.

(b) Except when an inmate or other individual is lawfully assigned to a local correctional facility operated by more than one county, this section does not affect the powers and duties of the sheriff of a county with respect to the safekeeping and custody of an inmate or other individual.

§11–104.

(a) This section applies except as provided in § 11-105 of this subtitle.

(b) (1) If a county or counties determine to construct or maintain a local correctional facility, the county or counties may apply to the Secretary for financial assistance for the construction or enlargement of the local correctional facility.

(2) The applicant shall provide information in the form required by the Secretary, including:

(i) the program and plans for construction; and

(ii) the rehabilitation and training programs to be instituted.

(c) If the Secretary approves a construction plan under this section, the State shall pay the same share as that provided for jail construction or rehabilitation.

(d) The Secretary may receive a grant of funds from the federal government or any other public or private foundation or agency for the purposes designated in this section.

(e) (1) Subject to the provisions of paragraph (2) of this subsection, if a county that maintains, operates, or participates in a local correctional facility provides for improvements to the local correctional facility that are required as the result of the adoption of mandatory or approved standards, the Board of Public Works shall make provision for the State to pay 50% of the costs of the construction or improvements.

(2) The plans and costs for construction or improvements under this section shall be subject to approval by:

(i) the Secretary;

(ii) the Division of Correction;

(iii) the Department of General Services; and

(iv) the Department of Budget and Management.

§11–105.

(a) If the Secretary determines that the anticipated confinement of inmates who are serving sentences of more than 6 months but not exceeding 12 months in a county's local correctional facility would exceed the capacity of the local correctional facility, a county may apply to the Secretary for financial assistance for the construction of a new or enlarged existing local correctional facility.

(b) For the purpose of anticipating inmate confinement under subsection (a) of this section, the Secretary annually shall review and study each county's local correctional facility population in conjunction with data relevant to patterns of:

(1) sentencing;

(2) geographic distribution of inmates; and

(3) the rates of growth in the number of inmates sentenced to more than 6 months but not exceeding 12 months as compared to the number similarly sentenced before January 1, 1988.

(c) (1) Subject to the State budget appropriation process and in accordance with this section, if a county applies for financial assistance under subsection (a) of this section and a county's construction plan is approved by the Secretary under this section, the State shall pay 100% of the approved costs of acquisition, construction, architectural and engineering services, and capital equipment for:

(i) a new local correctional facility; or

(ii) enlargement of an existing local correctional facility.

(2) If a county's construction plan is disapproved by the Secretary, the county may appeal to the Board of Public Works.

(3) Subject to the State budget appropriation process, if a county applies for financial assistance under subsection (a) of this section and the Board of Public Works approves the construction plan, the State shall pay 100% of the approved costs of acquisition, construction, architectural and engineering services, and capital equipment for:

(i) a new local correctional facility; or

(ii) enlargement of an existing local correctional facility.

(d) The plans and costs for construction or enlargement of a local correctional facility by a county under this section are subject to:

(1) the procedures followed by State units for requested capital projects; and

(2) approval by the Secretary.

§11–106.

(a) On approving local correctional facility plans that require State financial assistance, the Secretary shall enter into a written contract with the county or counties involved setting forth the rights, powers, duties, and responsibilities of all parties.

(b) The contract may provide for the housing and rehabilitation in a local correctional facility of inmates sentenced to State correctional facilities under conditions agreed on by all parties.

(c) The Secretary may not approve a contract unless the contract provides:

(1) for a periodic review of the facilities and rehabilitation and training programs of the local correctional facility by the Maryland Commission on Correctional Standards; and

(2) that the local correctional facility is in substantial compliance with the minimum mandatory standards described in § 8-103(a) of this article.

(d) In the absence of any contract, court order, or consent decree, inmates sentenced to the jurisdiction of the Division of Correction may not be housed in a local correctional facility for more than 30 days while awaiting transfer to the Division of Correction.

§11–107.

An agreement, contract, or other instrument approved by the Secretary shall be subject to the approval of the Board of Public Works before final execution.

§11–201.

(a) (1) The sheriff of a county shall keep safely each individual committed by lawful authority to the custody of the sheriff until the individual is discharged by due course of law.

(2) (i) The sheriff shall receive and keep safely in a local correctional facility each individual committed to the custody of the sheriff under authority of the United States until the individual is discharged by due course of law.

(ii) An individual committed to the custody of the sheriff under the authority of the United States shall be kept in the same manner and be subject to the same penalties as an individual committed to the custody of the sheriff under the authority of the State.

(iii) For keeping and supporting an individual committed to the custody of the sheriff under the authority of the United States, a sheriff is entitled to receive 30 cents per day to be paid by the United States.

(b) (1) In a county that has adopted a charter under Article XI–A of the Maryland Constitution, the county council, by resolution or law, may provide for the appointment of a qualified individual as managing official of the local correctional facility and for qualified assistants necessary to perform the duties of that office.

(2) A managing official is responsible for the safekeeping, care, and feeding of inmates in the custody of a local correctional facility, including an inmate

who is working on the public highways or going to and from that work, until the inmate is discharged, released, or withdrawn from the local correctional facility by due course of law.

(3) Except as specifically provided in paragraph (2) of this subsection, this subsection does not affect the powers and duties of the sheriff of a county relating to custody and safekeeping of inmates.

(c) (1) The County Council of Anne Arundel County, by resolution or law, may provide for the custody, safekeeping, and transportation of inmates by certified law enforcement officers other than the Sheriff.

(2) The County Commissioners of Kent County, by resolution or law, may provide for the custody, safekeeping, and transportation of inmates by corrections officers or law enforcement officers other than the Sheriff.

(d) The County Council of Baltimore County, by resolution or law, may require that the Sheriff of Baltimore County operate and administer the Baltimore County Jail.

(e) The County Commissioners of Queen Anne's County, by resolution or law, may authorize the Warden of the County Detention Center to continue the management of the County Detention Center.

§11–202.

(a) Except as provided in subsection (b) of this section, when an individual is convicted in any court of the State and sentenced to imprisonment in the Division of Correction, the sheriff of the county in which the court is located shall:

(1) remove the individual from the court as soon as possible; and

(2) deliver the individual to the Division of Correction at the expense of the county.

(b) The County Council of Anne Arundel County, by resolution or law, may provide that a certified law enforcement officer other than the Sheriff shall remove an individual from court after conviction.

(c) A sheriff who does not comply with subsection (a) of this section shall forfeit $1,000.

§11–203.

(a) (1) The managing official of a local correctional facility shall provide to an inmate in the custody of the managing official:

(i) food and board; and

(ii) any article of comfort that is considered necessary for a sick inmate by the physician attending the inmate.

(2) Except as provided in §§ 11–204 and 11–205 of this subtitle and subject to subsections (b), (c), and (d) of this section, the county shall pay the costs associated with food, board, and articles of comfort provided to inmates under paragraph (1) of this subsection.

(b) An inmate in a local correctional facility who is sick, injured, or disabled shall:

(1) reimburse the county, as appropriate, for the payment of medical expenses; and

(2) provide the managing official with any information relating to:

(i) the existence of any health insurance, group health plan, or prepaid medical care coverage under which the inmate is insured or covered;

(ii) the inmate's eligibility for benefits under the Maryland Medical Assistance Program;

(iii) the name and address of any third party payor; and

(iv) any policy or other identifying number relating to items (i) through (iii) of this item.

(c) (1) In addition to obtaining any reimbursement authorized under subsection (b) of this section and subject to paragraph (4) of this subsection, the governing body of each county shall establish a reasonable fee, not to exceed $4, for each visit by an inmate in a local correctional facility to an institutional medical unit or noninstitutional physician, dentist, or optometrist.

(2) The per visit fee shall be deducted from an inmate's spending financial account, reserve financial account, or similar account held by the managing official on behalf of the inmate.

(3) The fees collected under this subsection shall be deposited in the general fund of the county.

(4) This subsection does not apply to a visit by an inmate to a medical unit or a physician, dentist, or optometrist if the visit is:

(i) required as a part of the intake process;

(ii) required for an initial physical examination;

(iii) due to a referral by a nurse or physician's assistant;

(iv) provided during a follow–up visit that is initiated by a medical professional from the local correctional facility;

(v) initiated by a medical or mental health staff member of the local correctional facility; or

(vi) required for necessary treatment.

(d) Subsections (b) and (c) of this section do not impose liability for reimbursement or payment of medical expenses on any person other than an inmate personally or through a person that provides insurance, coverage, or other benefits described under subsection (b) of this section.

§11–204.

A county or managing official is not responsible for payment for services or treatment rendered to an inmate as a result of admission to a State facility for individuals who have mental disorders as defined in § 10–101(i) of the Health – General Article.

§11–205.

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

(2) (i) "Health care provider" has the meaning stated in § 19–132 of the Health – General Article.

(ii) "Health care provider" does not include a hospital regulated by the Health Services Cost Review Commission.

(3) "Health care service" has the meaning stated in § 19–132 of the Health – General Article.

(4) "Medicaid rate" means:

(i) the amount a health care provider would be paid for health care services under a contract or provider agreement with the Maryland Medical Assistance Program; or

(ii) if the health care provider is a federally qualified health center, the amount that a federally qualified health center would be paid by the Maryland Medical Assistance Program using the payment methodology described in 42 U.S.C. § 1396a(bb).

(b) Liability for payment to a health care provider for any health care service provided to an inmate committed to a local correctional facility that is not provided on the premises of the facility may not exceed the lesser of:

(1) the actual amount billed by the health care provider for the health care service; or

(2) the Medicaid rate for the health care service.

(c) (1) A county may elect to declare the provisions of this section inapplicable to the county by filing with the county health officer a written declaration by the highest official of the local correctional facility, approved by the chief executive officer of the county.

(2) The highest official of the local correctional facility, with the approval of the chief executive officer of the county, may withdraw at any time an election made under paragraph (1) of this subsection.

§11–206.

(a) If a representation is made to the managing official of a local correctional facility that an inmate in the custody of the managing official is pregnant, the managing official may:

(1) before the anticipated birth, have the inmate transferred from the local correctional facility to another facility that provides comfortable accommodations, maintenance, and medical care under supervision and safeguards that the managing official determines necessary to prevent the inmate's escape from custody; and

(2) return the inmate to the local correctional facility as soon after giving birth as the inmate's health allows, as determined by the medical professional responsible for the care of the inmate.

(b) The use of physical restraints on an inmate during a transfer made under this section shall be in accordance with § 9–601 of this article.

§11–301.

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

(b) "Center" means a community adult rehabilitation center.

(c) "Commissioner" means the Commissioner of Correction.

(d) "Regional center" means a center that serves more than one county.

§11–302.

Except as otherwise provided in this subtitle, provisions of this subtitle that apply to a center shall also apply to a regional center.

§11–303.

The General Assembly finds that:

(1) there is a need for centers for the housing and rehabilitation of individuals who have been convicted of crimes but who, in the judgment of the courts and appropriate correctional personnel, can best be rehabilitated without substantial danger to the community in a local community facility;

(2) the centers should be only one component in the overall correctional system and be utilized only for individuals who can best be rehabilitated in them and who will not present a substantial danger to the community;

(3) to assure the public that the centers will be safe, the centers should, to the maximum extent practicable, be located and operated by the counties, consistent with statewide standards, and with State financial and technical support; and

(4) the State should have the authority to locate, construct, and operate a center only if:

(i) there is a demonstrated need for a center; and

(ii) the county fails to provide for the location of a center after a reasonable time.

§11–304.

(a) This subtitle does not affect:

(1) the authority granted under Subtitles 1 and 7 of this title; or

(2) a work release program established under Subtitles 1 and 7 of this title.

(b) (1) With the approval of the Secretary, a county may convert a work release program established under Subtitles 1 and 7 of this title into a center that is subject to this subtitle.

(2) The Secretary shall adopt regulations for the conversion of a work release program into a center.

§11–305.

(a) The regulations adopted by the Secretary under § 8-103(a) and (b) of this article shall include minimum State standards for centers.

(b) The minimum State standards for centers shall include criteria and guidelines for:

(1) siting;

(2) physical characteristics, including design and layout;

(3) programs and staffing;

(4) screening procedures for placement;

(5) accounting, reporting, and accountability; and

(6) general program and management operations.

§11–306.

(a) (1) With the assistance and advice of the Commissioner, the Secretary shall evaluate and determine the need, if any, for one or more centers or regional centers in each county or multicounty region of the State.

(2) In preparing an evaluation of need as provided under paragraph (1) of this subsection, the Secretary shall:

(i) for a center that serves a single county, consult with the governing body of that county; or

(ii) for a regional center, consult with the governing body of each county in the region.

(3) A county or the counties in a region may request a completed evaluation of need study from the Secretary.

(b) The standard to be used by the Secretary in making a determination of need is whether and to what extent, based on historic data and reasonable projections, there are and will be residents of the county or region convicted of crimes who can best be rehabilitated in community-based facilities without substantial danger to the community.

(c) (1) If the Secretary determines that a center or a regional center is needed, the Secretary shall:

(i) for a center that serves a single county, certify the determination of need to the governing body of that county; or

(ii) for a regional center, certify the determination of need to the governing body of each county in the region.

(2) The determination that is certified by the Secretary as provided under paragraph (1) of this subsection shall include the present and future needs over at least a 10-year period.

§11–307.

(a) (1) If the Secretary determines and certifies that there is a present need for a center or regional center, the county or counties in a region shall promptly initiate and pursue appropriate procedures to select a suitable site for the center.

(2) The Secretary shall cooperate with and assist the county or counties in a region in the selection of a site that will be consistent with the standards adopted under § 11-305 of this subtitle.

(3) Before selecting a site, the governing body of a county in which a site is proposed shall hold at least one public hearing in the county.

(b) (1) Subject to paragraph (2) of this subsection, a county may:

(i) acquire a site or facility that is located in the county for use as a center by lease, purchase, condemnation, or other lawful manner; and

(ii) construct or renovate a facility on a site acquired by the county.

(2) A county may not exercise the authority granted under paragraph (1) of this subsection unless the Secretary has determined that:

(i) there is a need for the center;

(ii) the proposed site and facility are appropriate; and

(iii) the facility is or, on completion, will be, consistent with the standards adopted under § 11-305 of this subtitle.

(c) Subject to the requirements of and authority granted under subsection (b) of this section, counties may enter into agreements with each other and with the State for the location, acquisition, construction, and renovation of facilities for a regional center.

(d) If a county is divided into councilmanic districts or contains more than one legislative district, the county may provide by ordinance that it will not place more than one center in a councilmanic or legislative district unless there is a center in each councilmanic or legislative district in the county.

(e) (1) Except as provided in paragraph (2) of this subsection, if a county or the counties in a region fail to submit to the Secretary a proposed site and plans for a facility on it consistent with the standards adopted under § 11-305 of this subtitle within 18 months after the Secretary has certified the need for a center under § 11-306(c) of this subtitle, the Secretary shall declare the county or counties in default.

(2) For good cause shown, the Secretary may extend the time allowed under paragraph (1) of this subsection for not more than 6 months.

(f) (1) Subject to paragraphs (2) and (3) of this subsection, if the Secretary declares a county or counties in a region in default under subsection (e) of this section, the Secretary shall recommend a site for a center or a regional center to the Board of Public Works.

(2) The Secretary may recommend to the Board of Public Works a site for a regional center in lieu of a center that serves a single county.

(3) The Secretary shall make a recommendation for a site:

(i) within 6 months of a default; and

(ii) after holding a public hearing in the county in which the site is proposed.

(4) If the Board of Public Works approves a site, the State may exercise the authority granted to counties under subsection (b) of this section.

(g) A center may not be established or expanded beyond a capacity of 108 beds without the approval of the Secretary and:

(1) for a single county center, the county in which the center is located or is to be located; or

(2) for a regional center, the counties in the region.

§11–310.

(a) Repealed.

(b) Repealed.

(c) Repealed.

(d) (1) A county may accept and use federal funds specifically designated to finance programs or staff in excess of the minimum State standards adopted by the Secretary under § 11–305 of this subtitle.

(2) As long as the specifically designated federal funds are used for programs or staff in excess of the minimum State standards, the State subsidy may not be reduced because of the specifically designated federal funds.

§11–311.

(a) (1) A center that is acquired, constructed, or renovated by a county as authorized under § 11-307(b) of this subtitle shall be operated by the county.

(2) The director, staff, and other employees of the center shall be employees of the county.

(b) (1) A regional center that is acquired, constructed, or renovated by the counties in a region as authorized under § 11-307(c) of this subtitle shall be operated in accordance with the agreement entered into by the counties.

(2) The director, staff, and other employees of the regional center shall be employees of one or more of the counties as provided in the agreement.

(c) (1) A center that is acquired, constructed, or renovated by the State on the default of a county or counties in a region under § 11-307(f) of this subtitle shall be operated by the State.

(2) The director, staff, and other employees of the center shall be employees of the State.

(d) Subject to terms and conditions approved by the Secretary, a county, the counties in a region, or the State may provide for the operation of a center by contract with a nonpublic person.

§11–312.

(a) A center shall have a community advisory board.

(b) The county operating the center shall determine the advisory function, composition, and appointment of members of the community advisory board.

(c) The director of the center shall consult with and generally inform the community advisory board periodically concerning inmates in the center.

§11–313.

(a) If a center is operated by a county in accordance with § 11-311(a) of this subtitle and the county is a charter county, the director and any assistant director shall be appointed and removed by the chief executive officer of the county government with the advice of the community advisory board and the advice and consent of the Commissioner.

(b) Except as provided in subsection (e) of this section, if a center is operated by a county in accordance with § 11-311(a) of this subtitle and the county is not a charter county subject to Article XI-A of the Maryland Constitution, the director and any assistant director shall be appointed and removed by the county commissioners with the advice of the community advisory board and the advice and consent of the Commissioner.

(c) If a center is a regional center operated by agreement of the counties in the region in accordance with § 11-311(b) of this subtitle, the director and any assistant director shall be appointed and removed by the officials of the county governments in accordance with the regional agreement and with the advice of the community advisory board and the advice and consent of the Commissioner.

(d) If a center is operated by the State in accordance with § 11-311(c) of this subtitle, the director and any assistant director shall be appointed and removed by the Commissioner with the advice of the community advisory board.

(e) If a center is operated by Cecil County:

(1) the Sheriff shall appoint a center director;

(2) the director serves at the pleasure of the Sheriff; and

(3) the Sheriff may remove the director at any time with or without cause.

§11–314.

Subject to applicable budgetary rules, regulations, and procedures and any applicable regional agreement, the State, a county, or a body created in accordance with a regional agreement may enter into contracts and take other appropriate actions necessary or desirable to carry out this subtitle.

§11–315.

(a) (1) A center shall:

(i) have a properly monitored work release program; and

(ii) make arrangements for appropriate counseling, educational, and rehabilitative programs and services.

(2) A center may arrange for counseling, educational, and rehabilitative programs and services by a purchase of service agreement or contract with a person or governmental unit.

(3) To the extent practicable, a center shall utilize appropriate programs and services that exist in the community.

(4) A center may establish, direct, and implement a prerelease program.

(b) The recreational, educational, vocational, and other facilities of a center may be made available for use by the community.

§11–316.

(a) Except as provided in subsection (c) of this section, the Commissioner may place an inmate in a center if the inmate:

(1) is a resident of:

(i) the county in which the center is located; or

(ii) for a regional center, one of the counties in the region;

(2) has:

(i) less than 6 months remaining on a sentence;

(ii) less than 6 months remaining until a determined parole date; or

(iii) a sentence of 3 years or less; and

(3) has been screened by a center staff member and approved by the center director as provided under subsection (b) of this section.

(b) (1) A center staff member shall screen an inmate for placement in a center.

(2) After a review of the screening data, the center director may approve a placement based on screening standards that are established by the community advisory board, the center director, and the Commissioner.

(3) The screening standards shall include a presentence investigation report if available and a complete record of previous convictions.

(c) (1) This subsection applies only to Cecil County.

(2) The Commissioner may place an inmate in a center operated by Cecil County if the inmate:

(i) has been committed by the court to the custody of the Commissioner;

(ii) is a legal resident of Cecil County;

(iii) has:

1. less than 6 months remaining on a sentence;

2. less than 6 months remaining until a determined parole date; or

3. a sentence of 3 years or less; and

(iv) has been screened by a center staff member and approved by the center director in accordance with subsection (b) of this section.

(3) The court may recommend that an inmate be placed in a center.

§11–317.

(a) This section applies to inmates transferred to a center or regional center from a local correctional facility.

(b) (1) A center director may recommend to the court that an inmate in a local correctional facility be placed in a center based on locally established procedures.

(2) If a center director makes a recommendation as provided under paragraph (1) of this subsection, the judge ordering the confinement, or, if that judge is unable to act, another judge of the court that committed the inmate may approve the placement of the inmate in a center.

(c) (1) The center director may make a recommendation to a court that an inmate in a center be released from custody.

(2) The recommendation shall be based on a report of the inmate's performance in the center.

(3) If a center director recommends the release of an inmate, the judge who ordered the confinement, or if that judge is unable to act, another judge of the court that committed the inmate may order the release of the inmate from custody.

(d) (1) Subject to § 11-318 of this subtitle, the center director may revoke the participation of an inmate.

(2) (i) If the remaining term of confinement of the inmate exceeds 12 months, the court that committed the inmate may designate the Division of Correction as the agency of custody.

(ii) The decision of the judge shall be based on a report of the center director to the judge that shows cause for revocation.

§11–318.

(a) The center director shall establish the terms and conditions of the center with the advice of the community advisory board.

(b) The center director may revoke the participation of an inmate in a center if the inmate violates the terms or conditions of the center.

§11–319.

(a) (1) In accordance with guidelines developed under paragraph (2) of this subsection, the center director or the director's designee may grant an inmate the privilege of leaving the confines of a center for the following purposes:

(i) employment or seeking employment;

(ii) educational programs;

(iii) vocational training;

(iv) community and civic activities;

(v) volunteer work;

(vi) athletic competition;

(vii) personal or family visits; or

(viii) other similar rehabilitative activities.

(2) The guidelines for leave shall be developed by the county or counties that operate the center, reviewed by the community advisory board, and approved by the Secretary.

(3) When outside the confines of a center, an inmate shall carry, at all times, a copy of the form signed by the center director or the director's designee containing the terms and conditions governing the grant of leave.

(4) An inmate on leave shall be deemed to be in the custody of the center to the same extent, and subject to the same supervision and control, as an inmate actually in confinement in the Division of Correction.

(5) An inmate who escapes while on leave under this section is subject to the penalties of § 9-404 of the Criminal Law Article.

(b) (1) The center director or the director's designee shall collect the earnings of an inmate, less payroll deductions required by law.

(2) The center director or the director's designee shall keep an accurate account of the earnings of an inmate.

(3) From the earnings of an inmate, the center director may deduct:

(i) an amount determined by the director to be the cost of providing food, lodging, and clothing to the inmate;

(ii) actual and necessary food, travel, and other expenses incidental to the inmate's participation in work release and rehabilitation programs;

(iii) any amount required by court order or agreement of the inmate, and not otherwise deducted, for the support of dependents; and

(iv) court ordered restitution payments.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, any remaining balance shall be credited to the inmate's account and paid to the inmate on release.

(ii) If approved by the director, any remaining balance may be paid to the inmate on the request of the inmate.

§11–320.

(a) The center director or the director's designee may release personal information about an inmate on a "need to know" basis to:

(1) essential community resources and volunteer staff for the purpose of obtaining employment, training, education, or treatment services for the inmate on release; and

(2) an individual who agrees to sponsor the inmate in the individual's home for authorized furloughs.

(b) The inmate shall be informed of confidentiality requirements.

(c) The staff of the center shall request that the inmate waive, in writing, the inmate's right of confidentiality for the purpose of implementing this section.

§11–401.

In this subtitle, "governing body" means:

(1) the county council of a county with a charter form of government established under Article XI-A of the Maryland Constitution; or

(2) the board of county commissioners of any other county.

§11–402.

This subtitle does not apply to Frederick, Garrett, Harford, Howard, Washington, and Worcester counties.

§11–403.

The governing body of a county may establish a correctional farm.

§11–404.

(a) A governing body may:

(1) purchase or otherwise acquire real or personal property needed for a correctional farm; and

(2) provide for the disposition or retention of existing local correctional facilities in the county.

(b) (1) After considering the probable income from the correctional farm property, a governing body shall prepare an annual budget of proposed expenditures for the:

(i) care, operation, and maintenance of the property; and

(ii) feeding of inmates.

(2) A budget prepared as provided under paragraph (1) of this subsection shall be included in the county's annual budget.

(3) Any levy imposed for the budget prepared as provided under paragraph (1) of this subsection shall be collected as part of the county tax.

§11–405.

(a) The governing body:

(1) shall have full and complete jurisdiction and control over all:

(i) real property leased in connection with a correctional farm; and

(ii) personal property used in connection with a correctional farm; and

(2) may acquire by lease, purchase, or otherwise all real property, equipment, food, uniforms, clothing, books, ledgers, stationery, and other supplies necessary to carry out this subtitle.

(b) The county officials who are required by law to maintain, operate, and administer the local correctional facilities in a county shall maintain, operate, and administer any correctional farm established under this subtitle in the county.

(c) With the advice of the individual in charge of farming operations at a correctional farm, the governing body shall determine:

(1) the crops to be planted and grown on the correctional farm or real property held under lease; and

(2) the acreage for each crop.

(d) To the extent expedient, produce or proceeds from the sale of produce from the correctional farm shall be used to feed inmates committed to the correctional farm.

§11–406.

(a) An inmate committed to or held in a local correctional facility may be transferred to the correctional farm in the county.

(b) Unless excused for good cause, an inmate committed to a correctional farm shall work as directed on the correctional farm or any real property leased in connection with the correctional farm.

§11–407.

(a) The governing body shall determine if an inmate shall be compensated for work performed by the inmate.

(b) If a governing body determines that an inmate shall be compensated as provided in subsection (a) of this section, the governing body shall determine whether the inmate's compensation shall be:

(1) paid to the inmate during the inmate's term of confinement;

(2) withheld until the inmate's term of confinement expires; or

(3) paid periodically to an inmate's dependent family.

§11–501.

In this subtitle, the provisions that apply to a local correctional facility also apply to the Baltimore City Detention Center.

§11–502.

(a) Except as provided in subsections (b) and (c) of this section, an inmate who has been sentenced to a term of imprisonment shall be allowed deductions from the inmate's term of confinement as provided under this subtitle for any period of presentence or postsentence confinement in a local correctional facility.

(b) (1) An inmate who is serving a sentence for a violation of § 3–303 or § 3–304 of the Criminal Law Article involving a victim who is a child under the age of 16 years, or an inmate who is serving a sentence for a violation of § 3–305 or § 3–306 of the Criminal Law Article, as the sections existed before October 1, 2017, involving a victim who is a child under the age of 16 years, may not be allowed deductions from the inmate's term of confinement as provided under this subtitle for any period of presentence or postsentence confinement in a local correctional facility.

(2) This subsection may not be construed to require an inmate to serve a longer sentence of confinement than is authorized by the statute under which the inmate was convicted.

(c) (1) An inmate who is serving a sentence for a violation of § 3–307 of the Criminal Law Article involving a victim who is a child under the age of 16 years, who has previously been convicted of violating § 3–307 of the Criminal Law Article involving a victim who is a child under the age of 16 years, may not be allowed deductions from the inmate's term of confinement as provided under this subtitle for any period of presentence or postsentence confinement in a local correctional facility.

(2) This subsection may not be construed to require an inmate to serve a longer sentence of confinement than is authorized by the statute under which the inmate was convicted.

§11–503.

(a) An inmate shall be allowed a deduction of 5 days from the inmate's term of confinement for each calendar month of presentence confinement during which the inmate:

(1) does not violate the rules of discipline; and

(2) labors with diligence and fidelity when the opportunity for labor is available.

(b) The deductions described in this section shall:

(1) begin on the day the inmate arrives at the local correctional facility;

(2) be made on a prorated basis for any portion of a calendar month of presentence confinement during which the inmate is committed to the local correctional facility; and

(3) cease on the day the inmate is:

(i) sentenced to a local correctional facility;

(ii) committed to the custody of the Commissioner of Correction; or

(iii) released.

§11–504.

(a) An inmate who is sentenced to a local correctional facility shall be allowed an initial deduction from the inmate's term of confinement.

(b) The deduction described in subsection (a) of this section shall be calculated:

(1) from the first day of the inmate's postsentence commitment to the custody of the local correctional facility to the last day of the inmate's maximum term of confinement;

(2) (i) at the rate of 5 days for each calendar month if the inmate's term of confinement includes a consecutive or concurrent sentence for a crime of violence, as defined in § 14–101 of the Criminal Law Article or a crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance in violation of § 5–612 or § 5–613 of the Criminal Law Article; or

(ii) at the rate of 10 days for each calendar month for all other inmates; and

(3) on a prorated basis for any portion of a calendar month.

§11–505.

(a) In addition to any other deductions allowed under this subtitle, an inmate may be allowed a deduction of 5 days from the inmate's term of confinement for each calendar month of presentence or postsentence confinement during which the inmate manifests:

(1) exceptional industry, application, and skill in the performance of any industrial, agricultural, or administrative tasks assigned to the inmate; or

(2) satisfactory industry, application, and progress in a vocational or other educational or training course.

(b) The deductions described in subsection (a) of this section shall:

(1) begin on the first day that the task is performed or the course is taken;

(2) be made on a prorated basis for any portion of a calendar month during which the inmate performed the task or attended the course; and

(3) cease on the day the inmate is:

(i) committed to the custody of the Commissioner of Correction; or

(ii) released.

§11–506.

(a) (1) In addition to any other deductions allowed under this subtitle, an inmate may be allowed a deduction of not more than 5 days from the inmate's term of confinement for each calendar month or portion of a calendar month of presentence or postsentence confinement during which an inmate manifests satisfactory industry, application, and progress in special selected work projects or other special programs.

(2) The deduction described in paragraph (1) of this subsection shall be calculated from the first day that an inmate is assigned a project or program.

(b) The managing official of a local correctional facility shall designate the projects and programs that make an inmate eligible for diminution credits under this section.

§11–507.

(a) If an inmate violates the rules of discipline of a local correctional facility, the managing official, for each violation, may revoke some or all of the diminution credits awarded under § 11-503 (presentence good conduct) or § 11-504 (postsentence good conduct) of this subtitle for the month in which the violation occurs.

(b) In addition to the revocation authorized under subsection (a) of this section, if a violation is aggravated or the inmate commits frequent violations, the managing official may revoke some or all of the diminution credits awarded under § 11-503 (presentence good conduct) or § 11-504 (postsentence good conduct) of this subtitle.

(c) This section does not affect the diminution credits awarded under §§ 11-505 (industrial, agricultural, or administrative tasks) and 11-506 (special selected work projects) of this subtitle.

(d) A managing official may not revoke diminution credits awarded to an inmate unless the inmate is afforded due process of law before the revocation.

§11–508.

If an inmate is committed to the custody of the Commissioner of Correction or transferred to another local correctional facility:

(1) the inmate's record of accrued diminution credits shall be forwarded to the receiving correctional facility; and

(2) the receiving correctional facility shall apply the credits to reduce the inmate's term of confinement.

§11–509.

If an inmate is entitled to a diminution of the inmate's term of confinement under this subtitle and is transferred to a hospital or mental institution, the inmate may not be denied credit authorized by this subtitle.

§11–601.

(a) Except as provided in subsection (b) of this section and Subtitle 7 of this title, this subtitle applies in all counties.

(b) This subtitle does not apply in Montgomery County.

§11–602.

(a) (1) (i) When an individual is convicted of a crime and sentenced to a local correctional facility, the sentencing judge may allow the individual, to the extent possible, to continue the individual's regular employment or obtain new employment during the inmate's term of confinement.

(ii) When an individual is adjudicated to be in contempt of court and committed to the custody of a local correctional facility, the judge who commits the individual may allow the individual, to the extent possible, to continue the individual's regular employment or obtain new employment during the period in which the individual is committed to the custody of the local correctional facility.

(2) If a judge allows an individual to continue employment or obtain new employment under paragraph (1) of this subsection, the judge shall designate either the managing official of the local correctional facility or the Division of Parole and Probation to supervise, arrange for, or obtain employment for the individual.

(b) If a judge designates a managing official or the Division of Parole and Probation to arrange for or obtain employment for an inmate as provided under subsection (a)(2) of this section, the managing official or Division:

(1) in the case of an inmate who has been regularly employed, shall arrange for continuation of employment without interruption to the extent possible; and

(2) in the case of an inmate who is not employed, shall make every effort to secure suitable employment that pays a fair and reasonable wage.

(c) If a managing official or the Division of Parole and Probation secures suitable employment for an inmate that pays a fair and reasonable wage, the inmate shall work a fair and reasonable number of hours each day and week.

§11–603.

Unless the court directs otherwise, an inmate shall be confined in the local correctional facility:

(1) when not employed; and

(2) between periods of employment.

§11–605.

If the committing court determines that an inmate's conduct, diligence, and general attitude merit a diminution of sentence, the court may allow diminution of one-fourth of the inmate's term of confinement.

§11–606.

(a) If an inmate violates a condition imposed for the inmate's conduct, custody, or employment, the inmate shall be returned to the court.

(b) The court may:

(1) require that the balance of the inmate's sentence be served in actual confinement; and

(2) cancel any earned diminution of the inmate's term of confinement.

§11–607.

The managing official of a local correctional facility shall receive an extra expense or mileage allowance as the local governing body determines for additional services provided under this subtitle.

§11–701.

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

(b) "Court" means the Maryland District Court or a circuit court of a county.

(c) "Crime of violence" has the meaning stated in § 14-101 of the Criminal Law Article.

§11–702.

(a) This section applies only in Allegany County.

(b) (1) The Sheriff may:

(i) establish a pretrial release program that offers alternatives to pretrial detention; and

(ii) adopt regulations to administer the program.

(2) A court may order an individual to participate in the pretrial release program if the individual:

(i) appears before the court after being charged and detained on bond; and

(ii) meets the eligibility requirements of paragraph (4) of this subsection.

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

(4) An individual is eligible for the pretrial release program if the individual:

(i) is recommended to the court for placement in the program by the program staff;

(ii) has no other charges pending in any jurisdiction; and

(iii) is not in detention for:

1. a crime of violence; or

2. the crime of escape under § 9-404 of the Criminal Law Article.

(c) (1) The Sheriff's Department may:

(i) establish and direct a work release program; and

(ii) adopt guidelines for the operation of the program.

(2) (i) At the time of sentencing or at any time during an inmate's confinement, the sentencing judge may order that the inmate participate in the work release program, subject to the guidelines adopted by the Sheriff.

(ii) If the sentencing judge is unable to act at the time of an inmate's petition for work release, another judge of the committing court may order that the inmate participate in the work release program.

(3) In ordering an inmate to participate in the work release program, the court may allow the inmate to leave actual confinement to:

(i) work at gainful, private employment;

(ii) seek gainful, private employment; or

(iii) participate in an educational, rehabilitative, or training program in the county.

(4) Unless the committing court directs otherwise, an inmate shall be confined in the detention center when not participating in the work release program.

(5) (i) The Sheriff or the Sheriff's designee shall collect the earnings of an inmate in the work release program, less payroll deductions required by law.

(ii) From the earnings of the inmate, the Sheriff shall deduct and disburse:

1. an amount determined to be the cost to the county for food, lodging, and clothing for the inmate;

2. the actual cost of necessary food and travel and other expenses incidental to the inmate's participation in the program;

3. any amount a court imposes for a fine, cost, or restitution;

4. any amount that the inmate is legally obligated or reasonably desires to pay for support of a dependent; and

5. if applicable, any amount that a court orders the inmate to repay to the State or to the county for the services of an attorney appointed by the court.

(iii) The Sheriff shall:

1. credit to the inmate's account the remaining balance; and

2. dispose of the balance in the inmate's account as the inmate reasonably requests and as the Sheriff approves.

(6) If an inmate violates a trust or a condition that a judge or the Sheriff establishes for conduct or employment, after an administrative hearing that upholds the violation, the inmate is subject to:

(i) removal from the work release program; and

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

(d) (1) The Sheriff shall:

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

(ii) adopt regulations for the program.

(2) At the time of sentencing or at any time during an individual's confinement, the sentencing judge may allow an individual who is convicted of a crime and sentenced to imprisonment to participate in the home detention program.

(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 the sentencing judge; 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 inmate's medical care and related expenses; and

(ii) costs of lodging, food, clothing, transportation, restitution, and taxes.

(6) The Sheriff may:

(i) collect a reasonable fee from each inmate participating in the home detention program; or

(ii) waive or reduce the fee.

(7) The Sheriff may determine the maximum number of inmates that may participate in the home detention program.

(8) An inmate who knowingly violates a term or a condition of the home detention program is subject to the penalties provided under § 11-726 of this subtitle and other disciplinary action provided by law.

§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:

1. credit to the participant's account any remaining balance; and

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.

§11–704.

(a) In this section, "Commissioner" means the Commissioner of Pretrial Detention and Services.

(b) This section applies only in Baltimore City.

(c) (1) The Commissioner may allow an inmate of the Baltimore City Detention Center to participate in one of the activities specified in paragraph (2) of this subsection during the period of custody if the participation:

(i) is approved by the judge ordering confinement or, if that judge is unable to act, by another judge of the committing court; and

(ii) is in accordance with available programs.

(2) Subject to paragraph (1) of this subsection, an inmate may:

(i) continue regular employment;

(ii) obtain new employment;

(iii) participate in a training, rehabilitation, or other special program; or

(iv) attend an educational institution.

(3) (i) An inmate who is authorized to participate in a program under this subsection shall be held in custody between program hours or periods.

(ii) The Commissioner or Commissioner's designee may allow an inmate who is authorized to participate in a program under this subsection to be held in custody through home detention by the use of electronic monitoring devices.

(iii) Subject to the availability of funds, the Commissioner may contract for halfway houses or other suitable housing facilities or electronic monitoring devices for inmates authorized to participate in a program under this subsection.

(d) (1) An inmate who is employed under a work release program shall surrender to the Commissioner or Commissioner's designee the total earnings of the inmate under the program, less payroll deductions required by law.

(2) From the net earnings of the inmate, the Commissioner or Commissioner's designee shall deduct in the following order of priority:

(i) an amount not to exceed one-third of the inmate's net earnings for the cost to the State of providing food, lodging, electronic monitoring devices, and clothing for the inmate;

(ii) the actual and necessary food, travel, and other expenses of the inmate when released from actual custody under the program;

(iii) the amount, if any, that the inmate is legally obligated to pay for the support of a dependent by court order directed to the Commissioner; and

(iv) the amount for court-ordered payments for restitution.

(3) The Commissioner or Commissioner's designee shall pay any amount deducted as required by paragraph (2)(iii) of this subsection as the court order directs.

(4) The Commissioner or Commissioner's designee shall:

(i) credit to the inmate's account any remaining balance; and

(ii) pay the balance in the inmate's account to the inmate on release.

(5) If any part of the inmate's final earnings under a work release program are required to satisfy the deductions specified in paragraph (2) of this subsection, the balance of the final earnings shall be forwarded to the inmate within 15 days after the date of release from the Baltimore City Detention Center.

(e) (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 in Baltimore City.

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

§11–705.

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

(2) "Administrator" means the Administrator of the Baltimore County detention facilities or the Administrator's designee.

(3) "Leave" means authorized time away from a Baltimore County detention facility.

(4) "Participant" means an inmate in a Baltimore County detention facility who participates in a program under this section.

(b) This section applies only in Baltimore County.

(c) (1) The Administrator may establish and administer a work release program.

(2) If the Administrator establishes a work release program, the Administrator shall establish:

(i) eligibility criteria for participation in the program; and

(ii) for each participant, a work release plan that includes the terms and conditions of the work release and employment.

(d) (1) Participation in the work release program is a privilege authorized by court.

(2) This section does not create a right to participate in the work release program or to remain in the program after the participant has been suspended or removed from the program.

(e) The Administrator may recommend to a court that an individual participate in the work release program if:

(1) the individual has applied to participate in the program; and

(2) the Administrator has approved the application.

(f) If the Administrator recommends participation in the work release program, a court may authorize an individual to participate in the program:

(1) when the court imposes a sentence;

(2) when the court commits an individual to the custody of a Baltimore County detention facility; or

(3) at any time during the individual's confinement.

(g) (1) The Administrator may suspend or remove a participant from the work release program:

(i) at any time;

(ii) without prior approval from the court; and

(iii) for any reason that the Administrator determines.

(2) The Administrator shall notify the court within 15 days after the Administrator suspends or removes a participant from the work release program.

(h) (1) The Administrator shall collect each participant's total earnings, less payroll deductions.

(2) From the participant's earnings, the Administrator:

(i) may pay the reasonable cost to the county of providing food, lodging, and clothing for the participant;

(ii) may make court-ordered payments for dependents;

(iii) may pay court-ordered costs, fines, and restitution;

(iv) if ordered by the court, may reimburse the State for the court-appointed counsel; and

(v) if ordered by the court, may reimburse the State for the services of the public defender.

(3) Any balance that remains after payments are made under paragraph (2) of this subsection:

(i) shall be credited to an account held by the Administrator for the participant; and

(ii) if the Administrator approves, shall be disposed of as requested by the participant.

(4) Any balance remaining in the participant's account when the participant is released from the detention facility shall be paid to the participant.

(i) A participant employed in the community under this section is not an agent or employee of Baltimore County, the Administrator, any judicial officer, or any other public officer of the county or State.

(j) The Administrator may charge a participant a reasonable fee in an amount not to exceed the actual costs incurred by the county for food, travel, and other expenses related to the participant's participation in the work release program.

(k) (1) The Administrator may establish and administer a home detention program.

(2) If the Administrator establishes a home detention program, the Administrator:

(i) shall establish eligibility criteria for participation in the program; and

(ii) for each participant, shall establish a home detention plan that includes the terms and conditions of the home detention.

(l) (1) Participation in the home detention program is a privilege authorized by court.

(2) This section does not create a right to participate in the home detention program or to remain in the program after the participant has been suspended or removed from the program.

(m) The Administrator may recommend to a court that an individual participate in the home detention program if:

(1) the individual has applied to participate in the program;

(2) except for a violation of the Transportation Article or other traffic law or ordinance for which a penalty of incarceration is not authorized, the individual has no other charges pending in any municipal corporation, county, or state; and

(3) the Administrator has approved the application.

(n) If the Administrator recommends participation in the home detention program, a court may authorize an individual to participate in the program:

(1) after imposing a sentence; or

(2) at any time during the individual's confinement.

(o) (1) The Administrator may suspend or remove a participant from the home detention program:

(i) at any time;

(ii) without prior approval from the court; and

(iii) for any reason that the Administrator determines.

(2) The Administrator shall notify the court within 15 days after the Administrator suspends or removes a participant from the home detention program.

(p) A participant is not eligible for the home detention program if the participant:

(1) is serving a sentence for a crime of violence; or

(2) has been found guilty of:

(i) child abuse under § 3-601 or § 3-602 of the Criminal Law Article; or

(ii) escape under § 9-404 of the Criminal Law Article.

(q) The Administrator may charge a reasonable fee for the actual cost of electronic supervision and other administrative costs of the program.

(r) The Administrator may adopt regulations to carry out this section.

§11–706.

(a) This section applies only in Calvert County.

(b) (1) At the time of sentencing or on a hearing of a motion for reconsideration of sentence, the court may sentence an individual who has been convicted of a crime to participate for a fixed period in the work release program at the Calvert County Detention Center.

(2) After an inmate enters the work release program, the sentencing judge or, if the sentencing judge is unable to act, the judge of any court in the County may:

(i) order the release of the inmate from custody; and

(ii) consider the supervisor's recommendations and report of the inmate's performance in making a determination to release the inmate.

(3) Subject to the directives and orders of the courts in the County, the supervisor of the County work release program shall establish and administer the work release program.

(4) During reasonable hours, an inmate in the work release program may leave confinement to:

(i) work at gainful employment;

(ii) participate in an outside counseling or rehabilitative program; or

(iii) obtain other services that the supervisor of the program considers necessary.

(5) (i) An inmate who is employed in accordance with this subsection shall surrender to the supervisor of the program the inmate's total earnings, less payroll deductions required by law.

(ii) From the earnings of the inmate, the supervisor shall deduct and disburse in the following order of priority:

1. food costs to the County;

2. lodging costs to the County;

3. travel costs to the County;

4. fines and costs imposed by the court;

5. amounts that the inmate is obligated to pay for support of a dependent; and

6. court-ordered payments for restitution.

(iii) The supervisor of the program may assist in the financial management of the inmate's other bills and debts.

(iv) The supervisor of the program shall:

1. credit to the inmate's account any remaining balance; and

2. pay the balance in the inmate's account to the inmate on final release from confinement.

(6) An inmate employed in the community under this subsection is not an agent or employee of the County, the Sheriff, any judicial officer, or any public officer of the County.

(7) An inmate who violates a trust or a condition that the supervisor establishes for conduct and employment is subject to:

(i) removal from the program; and

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

(c) (1) In this subsection, "Program" means the Community Services Alternative Sentencing Program.

(2) There is a Community Services Alternative Sentencing Program in the County Department of Public Safety.

(3) The Program shall administer community service projects for individuals who are convicted of an offense and are referred to the Program by a court.

(4) The County Commissioners may charge a reasonable fee to individuals who participate in the Program to help defray Program expenses.

(d) (1) (i) An individual who is sentenced to participate in the substance abuse treatment program at the County treatment facility shall pay a per diem fee in an amount that the court determines to cover food, lodging, clothing, and other expenses incidental to participation in the treatment program.

(ii) A court may waive part or all of the fee based on an individual's ability to pay.

(2) The County attorney may bring a civil action to collect any arrearage incidental to the per diem charge that remains unpaid 30 days after the individual's discharge from the County treatment facility.

(e) (1) The Sheriff may:

(i) establish a pretrial release program that offers alternatives to pretrial detention; and

(ii) adopt regulations to administer the program.

(2) A court may order an individual to participate in the pretrial release program if the individual:

(i) appears before the court after being charged and detained on bond; and

(ii) meets the eligibility requirements of paragraph (4) of this subsection.

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

(4) An individual is eligible for the pretrial release program if the individual:

(i) is recommended to the court for placement in the program by the program staff;

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

(iii) is not in detention for or been previously convicted of:

1. a crime of violence listed in § 14–101 of the Criminal Law Article;

2. the crime of escape under § 9–404 of the Criminal Law Article; or

3. a crime under § 5–612, § 5–613, or § 5–614 of the Criminal Law Article.

§11–707.

(a) This section applies only in Caroline County.

(b) While confined in the Caroline County Jail, an inmate employed under § 11-602 of this title shall pay:

(1) court-ordered payments for restitution; and

(2) the cost of the inmate's food, lodging, and clothing.

(c) The County Commissioners shall:

(1) establish the per diem rate for an inmate's food, lodging, and clothing; and

(2) designate an agent to collect the costs specified in this section.

§11–708.

(a) This section applies only in Carroll County.

(b) In this section, "crime of violence" has the meaning stated in § 14–101 of the Criminal Law Article.

(c) (1) The Sheriff may:

(i) establish a pretrial release program that offers alternatives to pretrial detention; and

(ii) adopt regulations to administer the program.

(2) A court may order an individual to participate in the pretrial release program if the individual:

(i) appears before the court after being charged and detained on bond; and

(ii) meets the eligibility requirements of paragraph (4) of this subsection.

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

(4) An individual is eligible for the pretrial release program if the individual:

(i) has no other charges pending in any jurisdiction for a crime of violence; and

(ii) is not in detention for:

1. a crime of violence; or

2. the crime of escape under § 9–404 of the Criminal Law Article.

(5) The Sheriff may:

(i) collect from each individual participating in the pretrial release program a reasonable fee for the cost of supervision and administration of the program; or

(ii) waive or reduce the fee.

(d) (1) The Sheriff's Office may establish a work release program.

(2) At the time of sentencing or at any time during an individual's confinement, the court may sentence the individual to participate in the work release program if the individual:

(i) has been sentenced to the custody of the Sheriff; and

(ii) has no other charges pending in any jurisdiction for a crime of violence.

(3) An inmate who has been sentenced to participate in the work release program may continue regular employment or obtain new employment.

(4) On approval of the Sheriff or Warden, an inmate who has been sentenced to the Carroll County Detention Center may leave the Detention Center to work, seek employment, obtain medical services, or participate in educational, rehabilitative, or training programs.

(5) An inmate who has been sentenced to the Carroll County Detention Center shall be confined to the Detention Center:

(i) except as provided in this subsection; or

(ii) unless a court orders otherwise.

(6) An inmate who is employed under the work release program shall:

(i) reimburse the Sheriff's Office for:

1. the estimated cost to the Sheriff's Office of food and lodging for the inmate; and

2. estimated expenses incurred by the Sheriff's Office because of the participation of the inmate in the program; and

(ii) pay to the Sheriff court–ordered payments for restitution.

(7) An inmate who violates a condition or provision of trust that a court, the Sheriff, or Sheriff's designee establishes is subject to:

(i) removal from the work release program; and

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

(e) (1) The Sheriff shall:

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

(ii) adopt regulations for the home detention program.

(2) At the time of sentencing or at any time during an individual's confinement, the sentencing judge may require an individual who is convicted of a crime and sentenced to imprisonment under the custody of the Sheriff to participate in the home detention program.

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

(i) the sentencing judge recommends the inmate for sentencing to the home detention program; and

(ii) the inmate 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) medical care and related expenses; and

(ii) costs of clothes, food, lodging, restitution, taxes, and transportation.

(6) The Sheriff may:

(i) collect from each inmate participating in the home detention program a reasonable fee for the cost of electronic supervision and administration of the program; or

(ii) waive or reduce the fee.

(7) The Sheriff may limit the number of inmates in the home detention program.

§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.

(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.

§11–710.

(a) This section applies only in Charles County.

(b) While confined in the Charles County Detention Center, an inmate employed under § 11–602 of this title shall pay:

(1) court–ordered payments for restitution; and

(2) an amount not to exceed one–third of the inmate's net earnings for the cost to Charles County of providing food, lodging, electronic monitoring devices, and clothing for the inmate.

(c) The Charles County Sheriff shall:

(1) establish the per diem rate for an inmate's food, lodging, electronic monitoring, and clothing; and

(2) designate an agent to collect the costs specified in this section.

(d) The Sheriff's designee shall deliver the amounts collected under subsection (b)(2) of this section to the Charles County Treasurer.

§11–711.

(a) In this section, "warden" means the warden of the Dorchester County Department of Corrections.

(b) This section applies only in Dorchester County.

(c) The County Commissioners may establish under the County Department of Corrections programs for:

(1) community service;

(2) home detention;

(3) pretrial release; and

(4) work release.

(d) The County Commissioners shall adopt regulations necessary to implement each program established under this section.

(e) 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:

(1) is sentenced to the custody of the warden; and

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

(f) An inmate designated to participate in a program under this section may leave the detention center to:

(1) continue regular employment; or

(2) seek new employment.

(g) (1) The warden or warden's designee shall collect the earnings of an inmate designated to participate in a work release program, less any payroll deduction required by law.

(2) From the earnings of the inmate, the warden shall deduct and disburse an amount that:

(i) the warden determines to be a reasonable cost for providing food, lodging, and clothing for the inmate;

(ii) the County actually incurs for necessary food, travel, and other expenses incidental to the inmate's participation in the program;

(iii) a court imposes for a fine, cost, or restitution;

(iv) the inmate is legally obligated to pay, or reasonably wants to pay, for support of a dependent; and

(v) a court orders the inmate to repay to the State or the County for the services of an attorney appointed by the court.

(3) The warden shall:

(i) credit to the inmate's account any remaining balance; and

(ii) dispose of the balance in the inmate's account as the individual reasonably requests and as the warden approves.

(h) (1) If an inmate violates a trust or a condition that a court or the County Department of Corrections establishes for participation in a program under this section, the inmate is subject to:

(i) removal from the program; and

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

(2) If a condition that a court imposes on an inmate is inconsistent with a regulation adopted under this section, the condition imposed by the court controls as to that inmate.

(3) If an inmate violates a trust or a condition that the court or the County Department of Corrections establishes, the County Department of Corrections shall notify the sentencing court in writing of the violation.

(i) (1) The warden or warden's designee may authorize compassionate leave under this subsection for any inmate committed to the County Department of Corrections:

(i) to visit a seriously ill member of the inmate's immediate family; or

(ii) to attend the viewing or funeral of a member of the inmate's immediate family.

(2) An inmate who violates the terms of an authorization for compassionate leave is subject to the sanctions specified in subsection (h)(1) and (2) of this section.

(3) An inmate who is granted compassionate leave under this subsection may be required to reimburse the County Department of Corrections for any expenses that the Department incurs in granting the leave.

(4) The warden shall adopt regulations necessary to carry out this subsection.

§11–712.

(a) This section applies only in Frederick County.

(b) (1) The Sheriff shall:

(i) establish a pretrial release program that offers alternatives to pretrial detention; and

(ii) adopt regulations to administer the program.

(2) A court may order an individual to participate in the pretrial release program, if the individual:

(i) appears before the court after being charged and detained on bond; and

(ii) meets the eligibility requirements of paragraph (4) of this subsection.

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

(4) An individual is eligible for the pretrial release program if the individual:

(i) is recommended to the court for placement in the program by the program staff;

(ii) has no other charges pending in any jurisdiction; and

(iii) is not in detention for:

1. a crime of violence; or

2. the crime of escape under § 9-404 of the Criminal Law Article.

(c) (1) The Sheriff's Department may:

(i) establish and direct a work release program; and

(ii) adopt guidelines for the operation of the program.

(2) (i) At the time of sentencing or at any time during an individual's confinement, the sentencing judge may order that an individual participate in the work release program, subject to the guidelines adopted by the Sheriff.

(ii) If the sentencing judge is unable to act at the time of an inmate's petition for work release, another judge of the committing court may order that the inmate participate in the work release program.

(3) In ordering an inmate to participate in the work release program, the court may allow the inmate to leave actual confinement to:

(i) work at gainful, private employment;

(ii) seek gainful, private employment; or

(iii) participate in an educational, rehabilitative, or training program in the county.

(4) Unless the committing court directs otherwise, an inmate shall be confined in the detention center when not participating in the work release program.

(5) (i) The Sheriff or Sheriff's designee shall collect the earnings of an inmate in the work release program, less payroll deductions required by law.

(ii) From the earnings of the inmate, the Sheriff shall deduct and disburse:

1. an amount determined to be the cost to the county for food, lodging, and clothing for the inmate;

2. the actual cost of necessary food and travel and other expenses incidental to the inmate's participation in the program;

3. any amount a court imposes for a fine, cost, or restitution;

4. any amount that the inmate is legally obligated or reasonably desires to pay for support of a dependent; and

5. if applicable, any amount that a court orders the inmate to repay to the State or to the county for the services of an attorney appointed by the court.

(iii) The Sheriff shall:

1. credit to the inmate's account the remaining balance; and

2. dispose of the balance in the inmate's account as the inmate reasonably requests and as the Sheriff approves.

(6) If an inmate violates a trust or a condition that a judge or the Sheriff establishes for conduct or employment, after an administrative hearing that upholds the violation, the inmate is subject to:

(i) removal from the work release program; and

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

(d) (1) The Sheriff shall:

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

(ii) adopt regulations for the program.

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

(3) An inmate is eligible for the home detention program if:

(i) the sentencing judge recommended that the inmate participate in the program; and

(ii) the individual 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.

§11–713.

(a) This section applies only in Garrett County.

(b) (1) The Sheriff may:

(i) establish a pretrial release program that offers alternatives to pretrial detention; and

(ii) adopt regulations to administer the program.

(2) A court may order an individual to participate in the pretrial release program if the individual:

(i) appears before the court after being charged and detained on bond; and

(ii) meets the eligibility requirements of paragraph (4) of this subsection.

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

(4) An individual is eligible for the pretrial release program if the individual:

(i) is recommended to the court for placement in the program by the program staff;

(ii) has no other charges pending in any jurisdiction; and

(iii) is not in detention for:

1. a crime of violence as defined in § 14–101 of the Criminal Law Article; or

2. the crime of escape under § 9–404 of the Criminal Law Article.

(c) (1) The Sheriff's Office may:

(i) establish and direct a work release program; and

(ii) adopt guidelines for the operation of the program.

(2) (i) At the time of sentencing, or at any time during an individual's confinement, the sentencing judge may order that an individual participate in the work release program, subject to the guidelines adopted by the Sheriff.

(ii) If the sentencing judge is unable to act at the time of an inmate's petition for work release, another judge of the committing court may order the inmate to participate in the work release program.

(3) In ordering an inmate to participate in the work release program, the court may allow the inmate to leave actual confinement to:

(i) work at gainful, private employment; or

(ii) participate in an educational, rehabilitative, or training program in the county.

(4) Unless the committing court directs otherwise, an inmate shall be confined in the detention center when not participating in the work release program.

(5) (i) The Sheriff or the Sheriff's designee shall collect the earnings of an inmate in the work release program, less payroll deductions required by law.

(ii) From the earnings of the inmate, the Sheriff shall deduct and disburse:

1. an amount determined to be the cost to the county for food, lodging, and clothing for the inmate;

2. the actual cost of necessary food and travel and other expenses incidental to the inmate's participation in the program;

3. any amount a court imposes for a fine, cost, or restitution;

4. any amount that the inmate is legally obligated or reasonably desires to pay for support of a dependent; and

5. if applicable, any amount that a court orders the inmate to repay to the State or to the county for the services of an attorney appointed by the court.

(iii) The Sheriff shall:

1. credit to the inmate's account the remaining balance; and

2. dispose of the balance in the inmate's account as the inmate reasonably requests and as the Sheriff approves.

(6) If an inmate violates a trust or a condition that a judge or the Sheriff establishes for conduct or employment, after an administrative hearing that upholds the violation, the inmate is subject to:

(i) removal from the work release program; and

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

(d) (1) The Sheriff shall:

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

(ii) adopt regulations for the program.

(2) At the time of sentencing, or at any time during an individual's confinement, the sentencing judge may allow an individual who is convicted of a crime and sentenced to imprisonment to participate in the home detention program.

(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 the sentencing judge; 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 as defined in § 14–101 of the Criminal Law Article; 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 inmate's medical care and related expenses; and

(ii) costs of lodging, food, clothing, transportation, restitution, and taxes.

(6) The Sheriff may:

(i) collect a reasonable fee from each inmate participating in the home detention program; or

(ii) waive or reduce the fee.

(7) The Sheriff may determine the maximum number of inmates that may participate in the home detention program.

(8) An inmate who knowingly violates a term or a condition of the home detention program is subject to the penalties provided under § 11–726 of this subtitle and other disciplinary action provided by law.

§11–714.

(a) This section applies only in Harford County.

(b) (1) At the time of sentencing or at any time during an individual's confinement, the sentencing judge may allow an individual who is convicted of a crime and sentenced to imprisonment in a local correctional facility to participate in one of the activities specified in paragraph (2) of this subsection during the individual's confinement.

(2) An inmate who is allowed to do so under paragraph (1) of this subsection may:

(i) continue regular employment;

(ii) obtain new employment;

(iii) participate in a training or rehabilitation program; or

(iv) attend an educational institution in the county.

(3) (i) The sentencing judge may require that the inmate comply with the terms and conditions that the judge considers appropriate.

(ii) The inmate's participation in an authorized activity may not affect the length of the inmate's sentence.

(c) (1) The county government shall cooperate in and provide fiscal support for a work release program as provided under subsection (b) of this section.

(2) Subject to subsection (b) of this section, an inmate of a local correctional facility who participates in the work release program may leave actual confinement:

(i) at necessary and reasonable times, to work at gainful, private employment; or

(ii) under appropriate conditions, to seek gainful, private employment.

(3) Unless the committing court directs otherwise, an inmate shall be confined in the local correctional facility when not participating in the work release program.

(4) An inmate who participates in the work release program shall surrender to the Sheriff:

(i) a reasonable fee, as determined by the Sheriff, for the cost of providing food, lodging, and clothing for the inmate;

(ii) the actual cost of necessary food, travel, and other expenses incidental to the participation by the inmate in the program; and

(iii) court-ordered payments for restitution.

(5) If an inmate in the work release program violates a trust or a condition that the court establishes for conduct or employment, the inmate is subject to:

(i) removal from the program; and

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

(d) (1) The Sheriff shall:

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

(ii) adopt regulations for the program.

(2) At the time of sentencing or at any time during an individual's confinement, the sentencing judge may allow an individual who is convicted of a crime and sentenced to imprisonment in a local correctional facility to participate in the home detention program.

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

(i) the sentencing judge recommends that the inmate participate in the program; and

(ii) the inmate 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.

§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 programs for:

(i) work release;

(ii) community service; and

(iii) pretrial services.

(2) 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 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 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 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 program established under this section.

(3) An inmate who has been designated to participate in a 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 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 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 program; and

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

§11–716.

(a) In this section, "warden" means the warden of the Kent County Detention Center.

(b) This section applies only in Kent County.

(c) The County Commissioners may establish under the Kent County Detention Center programs for:

(1) community service;

(2) home detention;

(3) pretrial release; and

(4) work release.

(d) The County Commissioners shall adopt regulations necessary to implement each program established under this section.

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

(1) is sentenced to the custody of the warden; and

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

(f) An inmate designated to participate in a program under this section may leave the Kent County Detention Center to:

(1) continue regular employment;

(2) seek new employment; or

(3) receive therapy for drug or alcohol addiction.

(g) (1) The warden or warden's designee shall collect the earnings of an inmate designated to participate in a work release program, less any payroll deduction required by law.

(2) From the earnings of the inmate, the warden shall deduct and disburse an amount:

(i) the warden determines to be the cost to the county for providing food, lodging, and clothing for the inmate;

(ii) the county actually incurs for necessary food, travel, and other expenses incidental to participation by the inmate in the program;

(iii) a court imposes for a fine, cost, or restitution;

(iv) the inmate is legally obligated to pay, or reasonably wants to pay, for support of a dependent; and

(v) a court orders the inmate to repay to the State or to the county for the services of an attorney appointed by the court.

(3) The warden shall:

(i) credit to the inmate's account any remaining balance; and

(ii) dispose of the balance in the inmate's account as the inmate reasonably requests and as the warden approves.

(h) (1) If an inmate violates a trust or a condition that the court or the Kent County Detention Center establishes for conduct or employment, the inmate is subject to:

(i) removal from a program specified in subsection (c) of this section; and

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

(2) If a condition that a court imposes on an inmate is inconsistent with a regulation adopted under this section, the condition imposed by the court controls as to that inmate.

(3) If an inmate violates a trust or a condition that a court or the detention center establishes, the Kent County Detention Center shall notify the sentencing court in writing of the violation.

(i) (1) Inmates of the Kent County Detention Center who are employed under § 11–602 of this title shall pay:

(i) court–ordered payments for restitution; and

(ii) the reasonable cost of the food, lodging, and clothing of the inmate.

(2) The County Commissioners shall:

(i) establish a reasonable per diem rate for the food, lodging, and clothing of an inmate; and

(ii) designate the warden as the agent to collect these costs.

(j) (1) Subject to paragraph (2) of this subsection, the county may collect from an inmate who is sentenced to the Kent County Detention Center for nonconsecutive periods of 48 hours or less an amount determined to be the average cost to the county of providing food, lodging, and clothing for the inmate.

(2) A court may waive any or all of the charge specified in paragraph (1) of this subsection.

(k) (1) The warden or warden's designee may authorize compassionate leave under this subsection for any inmate committed to the Kent County Detention Center:

(i) to visit a seriously ill member of the immediate family of the inmate; or

(ii) to attend a viewing or funeral of a member of the immediate family of the inmate.

(2) An inmate who is granted compassionate leave may be required to reimburse the Kent County Detention Center for any expenses that the detention center incurs in granting the leave.

(3) The warden shall adopt regulations necessary to carry out this subsection.

§11–717.

(a) In this section, "Director" means the Director of the Montgomery County Department of Correction and Rehabilitation.

(b) This section applies only in Montgomery County.

(c) (1) The County Council shall establish work release and prerelease programs in accordance with this section.

(2) A work release or prerelease program shall provide that an inmate of the County Department of Correction and Rehabilitation, on approval of the Director, may leave confinement during necessary and reasonable hours to seek or work at gainful employment and to participate in other rehabilitative activities, including:

(i) intensive counseling;

(ii) academic education;

(iii) home visitation;

(iv) transitional phased release programs; and

(v) maximum use of other community resources or other similar rehabilitative activities.

(d) (1) At any time during the confinement of an inmate of the County Department of Correction and Rehabilitation, the judge who ordered the confinement or, if that judge is unable to act, another judge of the committing court, may approve the transfer of the inmate to the work release/prerelease center to participate in a work release or prerelease program:

(i) in accordance with the selection requirements and programs established by the County Council; and

(ii) after a recommendation by the Director or the Director's designee.

(2) After the inmate enters the work release or prerelease program, the judge who ordered confinement or, if that judge is unable to act, another judge of the committing court, may order the release of the inmate from custody based on:

(i) the recommendation of the Director or Director's designee; and

(ii) the report of the inmate's performance in the work release or prerelease program.

(3) When not employed or otherwise participating in a work release program, the inmate shall be confined in the prerelease center unless the committing court directs otherwise.

(e) (1) The Director or the Director's designee shall collect the earnings of an inmate participating in a work release or prerelease program under this section, less any payroll deduction required by law.

(2) From the earnings of the inmate, the Director may deduct:

(i) the amount determined to be the cost to the county of providing food, lodging, and clothing for the inmate;

(ii) actual and necessary food, travel, and other expenses incidental to the inmate's participation in the program;

(iii) an amount the inmate is legally obligated or desires to pay for the support of a dependent;

(iv) if applicable, a reasonable amount to repay the State or the county for an attorney appointed by the court; and

(v) court–ordered payments for restitution.

(3) The Director shall:

(i) credit to the inmate's account any remaining balance; and

(ii) dispose of the balance in the inmate's account as the inmate requests and the Director approves.

(f) (1) If an inmate violates a trust or a condition that the County Council establishes for conduct or employment, the inmate is subject to:

(i) removal from the program; and

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

(2) If an inmate violates a condition or a term of the program and the Director or the Director's designee removes the inmate from the program because of the violation, a judge of the committing court may redesignate the Division of Correction as the agency of custody for the remaining term of the inmate's confinement.

(g) (1) The County Department of Correction and Rehabilitation shall provide all work release, prerelease, and similar services to county residents who are sentenced to the jurisdiction of the Division of Correction.

(2) The Commissioner of Correction may transfer to the County Department of Correction and Rehabilitation only those eligible individuals who are screened and recommended for approval for the work release or prerelease program, or both programs, by both correctional agencies.

(3) The county facilities shall operate in accordance with general operational standards that the Commissioner of Correction approves.

(4) The County Department of Correction and Rehabilitation and the Division of Correction shall negotiate a contract each year that provides for State reimbursement on a per diem basis for operational costs to the county for providing the community correctional services described in this section to inmates sentenced to the Division of Correction and confined in the County Department of Correction and Rehabilitation.

§11–718.

(a) In this section, "administrator" means an administrator of a county detention center.

(b) This section applies only in Prince George's County.

(c) (1) Subject to paragraph (2) of this subsection, an administrator may allow an inmate sentenced to imprisonment in a detention center after being convicted of a crime or found in contempt of court to leave actual confinement to:

(i) seek or work at gainful, private employment;

(ii) participate in a training or rehabilitation program; or

(iii) attend educational or vocational institutions in the county.

(2) The administrator may allow the inmate to leave confinement:

(i) in accordance with established programs;

(ii) during necessary and reasonable hours; and

(iii) after determining that the inmate is eligible for the program and recommending it to and receiving written approval from the sentencing or administrative judge.

(d) (1) The administrator shall adopt guidelines and rules for the conduct of the work release program that shall:

(i) take into consideration the security of the detention center and the safety of the public; and

(ii) conform with conditions that a sentencing or administrative judge may impose in a particular case.

(2) When an inmate is not employed or otherwise participating in a work release program, the inmate shall be confined in the detention center in the same manner as any other inmate committed to the custody of the administrator.

(3) If an inmate violates a trust or a condition that the administrator establishes in the rules for conduct or employment, the inmate is:

(i) subject to removal from the work release program; and

(ii) after an administrative hearing, subject to cancellation of any earned diminution of the inmate's term of confinement.

(e) (1) The authorized representative of a detention center shall collect the earnings of an inmate, less any payroll deductions.

(2) From the earnings of the inmate, the authorized representative of the detention center shall deduct:

(i) the amount determined to be the cost to the county for food, lodging, and clothing for the inmate;

(ii) actual and necessary food, travel, and other expenses incidental to the inmate's participation in the program;

(iii) an amount the inmate is legally obligated or desires to pay for the support of a dependent; and

(iv) court–ordered payments for restitution.

(3) The authorized representative of the detention center shall credit to the inmate's account any remaining balance.

(f) (1) An administrator may develop educational and vocational programs to further the educational and vocational training of an inmate sentenced to the detention center.

(2) (i) The administrator shall adopt regulations to govern the conduct and participation of an inmate in an educational or vocational program as necessary for the security of the detention center and the safety of the public.

(ii) If an inmate violates a trust or a condition that the administrator establishes for conduct during participation in an educational or vocational program, the inmate:

1. is subject to removal from the program, with notice to the sentencing judge; and

2. after an administrative hearing, is subject to cancellation of any earned diminution of the inmate's term of confinement.

§11–719.

(a) This section applies only in Queen Anne's County.

(b) While confined in the Queen Anne's County Jail, an inmate employed under § 11-602 of this title shall pay:

(1) court-ordered payments, including restitution payments; and

(2) the reasonable cost of the food, lodging, and clothing of the inmate.

(c) The County Commissioners shall:

(1) establish a reasonable per diem rate for the food, lodging, and clothing of an inmate; and

(2) designate the Warden of the Queen Anne's County Jail as the agent to collect the costs and payments specified in this section.

§11–720.

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

(b) (1) The Sheriff may establish:

(i) a home detention program;

(ii) a work release program;

(iii) a pretrial release program; and

(iv) a prerelease program.

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

(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 controls as to that inmate.

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

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

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

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

(i) continue regular employment;

(ii) seek new employment;

(iii) attend any court–ordered treatment appointments;

(iv) receive intensive counseling;

(v) obtain academic education; or

(vi) maximize use of other community resources or other similar rehabilitative activities.

(d) (1) The Sheriff or the Sheriff's designee shall collect the earnings of an inmate participating in a program established under this section, less any payroll deduction required by law.

(2) From the earnings of the inmate, the Sheriff may deduct:

(i) the amount determined to be the cost to the county of providing food, lodging, clothing, and transportation for the inmate;

(ii) actual and necessary food, travel, and other expenses incidental to the inmate's participation in the program;

(iii) an amount the inmate is legally obligated or desires to pay for the support of a dependent;

(iv) if applicable, a reasonable amount to repay the State or the county for an attorney appointed by the court; and

(v) court–ordered payments for restitution.

(3) The Sheriff shall:

(i) credit to the inmate's account any remaining balance; and

(ii) dispose of the balance in the inmate's account as the inmate requests and the Sheriff approves.

(e) (1) If an inmate violates a trust or a condition that a court or Sheriff has established for participating in any program established 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 a condition that a court or Sheriff has established for participating in any 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.

§11–722.

(a) This section applies only in Talbot County.

(b) While confined in the Talbot County Jail, an inmate employed under § 11-602 of this title shall pay:

(1) court-ordered payments for restitution; and

(2) the cost of the food, lodging, and clothing of the inmate.

(c) The County Council shall:

(1) establish the per diem rate for the food, lodging, and clothing of an inmate; and

(2) designate an agent to collect the costs specified in this section.

§11–723.

(a) This section applies only in Washington County.

(b) (1) The Sheriff shall:

(i) establish and administer:

1. a home detention program;

2. a work release program; and

3. a pretrial release program; and

(ii) adopt regulations necessary to implement each program established under this section.

(2) At the time of sentencing or at any time during an individual's confinement, the court may allow an individual who is placed in the custody of the Sheriff to participate in any program established under this section.

(3) Subject to paragraph (4) of this subsection, an inmate is eligible to participate in any program established under this section if the inmate:

(i) is recommended for the program by the court; and

(ii) meets eligibility criteria set by the Sheriff.

(4) An inmate is not eligible to participate in any program established under this section if the inmate:

(i) is incarcerated for or has been convicted previously of a crime of violence listed in § 14–101 of the Criminal Law Article; 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 any program established under this section an inmate is responsible for:

(i) the inmate's medical care and related expenses; and

(ii) costs of lodging, food, clothing, transportation, restitution, child support, and taxes.

(6) The Sheriff may:

(i) collect a reasonable fee from each inmate participating in any program established under this section; or

(ii) waive or reduce the fee.

(7) The Sheriff may determine the maximum number of inmates that may participate in any program established under this section.

(8) An inmate who knowingly violates a term or a condition of any program established under this section is subject to the penalties provided under § 11–726 of this subtitle and to other disciplinary action provided by law.

§11–724.

(a) In this section, "Director" means the Director of the Wicomico County Department of Corrections.

(b) This section applies only in Wicomico County.

(c) The County Council may establish under the County Department of Corrections programs for:

(1) community service;

(2) home detention;

(3) pretrial release; and

(4) work release.

(d) The County Council shall adopt regulations necessary to implement each program established under this section.

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

(1) is sentenced to the custody of the Director; and

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

(f) An inmate designated to participate in a program specified under subsection (c) of this section may leave the detention center to:

(1) continue regular employment; or

(2) seek new employment.

(g) (1) The Director or Director's designee, shall collect the earnings of an inmate designated to participate in a work release program, less any payroll deduction required by law.

(2) From the earnings of the inmate, the Director shall deduct and disburse an amount:

(i) the Director determines to be a reasonable cost for providing food, lodging, and clothing for the inmate;

(ii) the County actually incurs for necessary food, travel, and other expenses incidental to the inmate's participation in the program;

(iii) a court imposes for a fine, cost, or restitution;

(iv) the inmate is legally obligated to pay, or reasonably desires to pay, for support of a dependent; and

(v) a court orders the inmate to repay to the State or to the County for the services of an attorney appointed by a court.

(3) The Director shall:

(i) credit to the inmate's account any remaining balance; and

(ii) dispose of the balance in the inmate's account as the inmate reasonably requests and as the Director approves.

(h) (1) If an inmate violates a trust or a condition that a court or the County Department of Corrections has established for participation in a program specified in subsection (c) of this section, the inmate is subject to:

(i) removal from the program; and

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

(2) If a condition that a court imposes on an inmate is inconsistent with a regulation adopted under this section, the condition imposed by the court controls as to that inmate.

(3) If an inmate violates a trust or a condition that a court or the County Department of Corrections establishes, the County Department of Corrections shall notify the sentencing court in writing of the violation.

(i) (1) The Director or the Director's designee may authorize compassionate leave under this subsection for any inmate committed to the County Department of Corrections:

(i) to visit a seriously ill member of the inmate's immediate family; or

(ii) to attend the viewing or funeral of a member of the inmate's immediate family.

(2) An inmate who violates the terms of an authorization for compassionate leave is subject to the sanctions specified in subsection (h)(1) of this section and § 11-726 of this subtitle.

(3) An inmate who is granted compassionate leave under this subsection may be required to reimburse the Department for any expenses that the County Department of Corrections incurs in granting the leave.

(4) The Director shall adopt regulations necessary to carry out this subsection.

§11–725.

(a) This section applies only in Worcester County.

(b) While confined in the Worcester County Jail, an inmate employed under § 11-602 of this title shall pay:

(1) court-ordered payments for restitution; and

(2) the cost of the food, lodging, and clothing of the inmate.

(c) The County Commissioners shall:

(1) establish the per diem rate for the food, lodging, and clothing of an inmate; and

(2) designate an agent to collect the costs specified in this section.

§11–726.

(a) An individual who knowingly violates a restriction on movement imposed as a condition of leave, work release, or a home detention order or agreement

under this subtitle is guilty of escape as provided in §§ 9-404 through 9-407 of the Criminal Law Article.

(b) An individual who knowingly violates any other condition of leave, work release, or a home detention order or agreement imposed under this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both.

§11–801.

(a) In this section, "weekend inmate" means an inmate sentenced to a local correctional facility for nonconsecutive periods of 48 hours or less per week.

(b) The governing body of a county may impose on and collect from a weekend inmate a reasonable fee in an amount not to exceed the average cost of providing food, lodging, and clothing for an inmate for the time the inmate is confined in the local correctional facility.

(c) If the governing body of a county imposes a fee under this section, the governing body shall adopt standard procedures to implement this section, including a procedure for the waiver of a part or all of the fee based on the ability of an inmate to pay the fee.

§11–802.

(a) Subject to subsection (b) of this section, the managing official of a local correctional facility may designate correctional officers employed by the local correctional facility to have the power to make arrests as authorized by § 2–207(d) of the Criminal Procedure Article.

(b) Correctional officers designated by a managing official to make arrests as authorized under § 2–207(d) of the Criminal Procedure Article shall meet the minimum qualifications and satisfactorily complete the training required by the Maryland Police Training and Standards Commission.

§11–803.

(a) The managing official of a local correctional facility or the managing official's designee may issue a retake warrant for the apprehension and return of an escapee.

(b) If a managing official or managing official's designee issues a retake warrant under subsection (a) of this section, the managing official or designee shall

forward a copy of the retake warrant to the State's Attorney for the county in which the escape occurred.

(c) A sheriff or police officer who is authorized to serve criminal process and to whom a warrant issued under this section is delivered shall execute the warrant in accordance with the directions in the warrant.

(d) A sheriff or police officer who makes an arrest under this section shall promptly notify the managing official, or managing official's designee, who issued the warrant of the arrest.

§11–901.

In this subtitle, "fund" means an inmate welfare fund established under § 11-902 of this subtitle.

§11–902.

(a) Each local correctional facility may establish an inmate welfare fund.

(b) A fund may be used only for goods and services that benefit the general inmate population as defined by regulations that the managing official of the local correctional facility adopts.

§11–903.

(a) (1) Each fund is a special continuing, nonlapsing fund.

(2) (i) Each fund consists of:

1. profits derived from the sale of goods through the commissary operation and telephone and vending machine commissions; and

2. subject to subparagraph (ii) of this paragraph, money received from other sources.

(ii) Money from the General Fund of the State or county, including any federal funds, may not be transferred by budget amendment or otherwise to a fund.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, the chief financial officer for a county shall separately hold and shall account for each fund in the county.

(ii) The chief financial officer for Dorchester County or the managing official of the local correctional facility as designated by Dorchester County shall separately hold and shall account for each fund in Dorchester County.

(4) This section may not be construed to:

(i) prohibit a periodic or special audit by the State, the federal government, or a county that provides funds for a local correctional facility; or

(ii) affect the calculation of reimbursement rates, as provided in § 9-403 of this article.

(b) (1) Each fund shall be invested and reinvested in the same manner as other county funds.

(2) Any investment earnings of a fund shall be credited to the fund.

§11–904.

(a) Except as provided in subsection (b) of this section, the chief financial officer for the county shall pay out money from each fund as approved in the county budget.

(b) The chief financial officer for Dorchester County or the managing official of the local correctional facility as designated by Dorchester County shall pay out money from the fund as approved in the county budget.

§11–1001.

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

(b) In Harford County, "agency" means the Office of the Sheriff of Harford County.

(c) (1) "Correctional officer" has the meaning stated in § 8–201 of this article.

(2) "Correctional officer" does not include an officer who is in probationary status on initial entry into the correctional agency except if an allegation of brutality in the execution of the officer's duties is made against the officer.

(d) (1) "Hearing" means a proceeding during an investigation conducted by a hearing board to take testimony or receive other evidence.

(2) "Hearing" does not include an interrogation at which no testimony is taken under oath.

(e) "Hearing board" means a board that is authorized by the managing official to hold a hearing on a complaint against a correctional officer.

(f) "Internal investigation unit" means the internal investigation unit of a correctional facility charged with the investigation of complaints within a correctional facility.

(g) In Harford County, "managing official" means the Sheriff of Harford County.

§11–1002.

This subtitle applies only in Allegany County, Carroll County, Cecil County, Garrett County, Harford County, and St. Mary's County.

§11–1003.

(a) Except as otherwise provided, the provisions of this subtitle supersede any inconsistent provisions of any other State or local law that conflicts with this subtitle to the extent of the conflict.

(b) This subtitle does not limit the authority of the managing official to regulate the competent and efficient operation and management of a county correctional facility by any reasonable means including transfer and reassignment if:

(1) that action is not punitive in nature; and

(2) the managing official determines that action to be in the best interests of the internal management of the correctional facility.

§11–1004.

(a) (1) Except as provided in paragraph (2) of this subsection, a correctional officer has the same rights to engage in political activity as a State employee.

(2) The right of a correctional officer to engage in political activity does not apply when the correctional officer is on duty or acting in an official capacity.

(b) A managing official:

(1) may not prohibit secondary employment by a correctional officer; but

(2) may adopt reasonable regulations that relate to secondary employment by a correctional officer.

(c) A correctional officer may not be required or requested to disclose an item of the correctional officer's property, income, assets, source of income, debts, or personal or domestic expenditures, including those of a member of the correctional officer's family or household, unless:

(1) the information is necessary to investigate a possible conflict of interest with respect to the performance of the correctional officer's official duties; or

(2) the disclosure is required by federal or State law.

(d) A correctional officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to the correctional officer's employment or be threatened with that treatment because the correctional officer:

(1) has exercised or demanded the rights granted by this subtitle; or

(2) has lawfully exercised constitutional rights.

(e) A statute may not abridge and a correctional facility may not adopt a regulation that prohibits the right of a correctional officer to bring suit that arises out of the correctional officer's duties as a correctional officer.

(f) A correctional officer may waive in writing any or all rights granted by this subtitle.

§11–1005.

(a) The investigation or interrogation by an internal investigation unit of a correctional officer for a reason that may lead to disciplinary action, demotion, or dismissal shall be conducted in accordance with this section.

(b) For purposes of this section, the investigating officer or interrogating officer shall be a sworn law enforcement or correctional official or an individual with former law enforcement or corrections experience.

(c) (1) A complaint against a correctional officer that alleges brutality in the execution of the correctional officer's duties may not be investigated unless the complaint is sworn to, before an official authorized to administer oaths, by:

(i) the aggrieved individual;

(ii) a member of the aggrieved individual's immediate family;

(iii) an individual with firsthand knowledge obtained because the individual was present at and observed the alleged incident; or

(iv) the parent or guardian of the minor child, if the alleged incident involves a minor child.

(2) Unless a complaint is filed within 90 days after the alleged brutality, an investigation that may lead to disciplinary action under this subtitle for brutality may not be initiated.

(d) (1) The correctional officer under investigation shall be informed of the name, rank, and command of:

(i) the law enforcement or correctional official or other individual in charge of the investigation;

(ii) the interrogating official; and

(iii) each individual present during an interrogation.

(2) Before an interrogation, the correctional officer under investigation shall be informed in writing of the nature of the investigation.

(e) If the correctional officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, the correctional officer shall be informed completely of all of the correctional officer's rights before the interrogation begins.

(f) Unless the seriousness of the investigation is of a degree that an immediate interrogation is required, the interrogation shall be conducted at a reasonable hour, preferably when the correctional officer is on duty.

(g) (1) The interrogation shall take place:

(i) at the office of the command of the investigating officer or at the office of the managing official of the correctional facility in which the incident allegedly occurred, as designated by the investigating official; or

(ii) at another reasonable and appropriate place.

(2) The correctional officer under investigation may waive the right described in paragraph (1)(i) of this subsection.

(h) (1) All questions directed to the correctional officer under interrogation shall be asked by and through one interrogating officer during any one session of interrogation consistent with paragraph (2) of this subsection.

(2) Each session of interrogation shall:

(i) be for a reasonable period; and

(ii) allow for personal necessities and rest periods as reasonably necessary.

(i) The correctional officer under interrogation may not be threatened with transfer, dismissal, or disciplinary action.

(j) (1) (i) On request, the correctional officer under interrogation has the right to be represented by counsel or another responsible representative of the correctional officer's choice who shall be present and available for consultation at all times during the interrogation.

(ii) The correctional officer may waive the right described in subparagraph (i) of this paragraph.

(2) (i) The interrogation shall be suspended for a period not exceeding 10 days until representation is obtained.

(ii) Within the 10–day period described in subparagraph (i) of this paragraph, the managing official, for good cause shown, may extend the period for obtaining representation.

(3) During the interrogation, the correctional officer's counsel or representative may:

(i) request a recess at any time to consult with the correctional officer;

(ii) object to any question posed; and

(iii) state on the record outside the presence of the correctional officer the reason for the objection.

(k) (1) A complete record shall be kept of the entire interrogation, including all recess periods, of the correctional officer.

(2) The record may be written, taped, or transcribed.

(3) On completion of the investigation, and on request of the correctional officer under investigation or the correctional officer's counsel or representative, a copy of the record of the interrogation shall be made available at least 10 days before a hearing.

(l) (1) The internal investigation unit may order the correctional officer under investigation to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject matter of the investigation.

(2) If the internal investigation unit orders the correctional officer to submit to a test, examination, or interrogation described in paragraph (1) of this subsection and the correctional officer refuses to do so, the internal investigation unit may commence an action that may lead to a punitive measure as a result of the refusal.

(3) If the internal investigation unit orders the correctional officer to submit to a test, examination, or interrogation described in paragraph (1) of this subsection, the results of the test, examination, or interrogation are not admissible or discoverable in a criminal proceeding against the correctional officer.

(m) (1) If the internal investigation unit orders the correctional officer to submit to a polygraph examination, the results of the polygraph examination may not be used as evidence in an administrative hearing unless the internal investigation unit and the correctional officer agree to the admission of the results.

(2) The correctional officer's counsel or representative need not be present during the actual administration of a polygraph examination by a certified polygrapher if:

(i) the questions to be asked are reviewed with the correctional officer or the counsel or representative before the administration of the examination;

(ii) the counsel or representative is allowed to observe the administration of the examination; and

(iii) a copy of the final report of the examination by the certified polygrapher is made available to the correctional officer or the counsel or representative within a reasonable time, not exceeding 10 days, after completion of the examination.

(n) (1) On completion of an investigation and at least 10 days before a hearing, the correctional officer under investigation shall be:

(i) notified of the name of each witness and of each charge and specification against the correctional officer; and

(ii) provided with a copy of the investigatory file and any exculpatory information, if the correctional officer and the correctional officer's representative agree to:

1. execute a confidentiality agreement with the internal investigation unit not to disclose any material contained in the investigatory file and exculpatory information for any purpose other than to defend the correctional officer; and

2. pay a reasonable charge for the cost of reproducing the material.

(2) The internal investigation unit may exclude from the exculpatory information provided to a correctional officer under this subsection:

(i) the identity of confidential sources;

(ii) nonexculpatory information; and

(iii) recommendations as to charges, disposition, or punishment.

(o) (1) The internal investigation unit may not insert adverse material into a file of the correctional officer, except the file of the internal investigation, unless the correctional officer has an opportunity to review, sign, receive a copy of, and comment in writing on the adverse material.

(2) The correctional officer may waive the right described in paragraph (1) of this subsection.

§11–1006.

(a) A correctional officer who is denied a right granted by this subtitle may apply to the circuit court of the county where the correctional officer is regularly employed for an order that directs the internal investigation unit to show cause why the right should not be granted.

(b) The correctional officer may apply for the show cause order:

(1) either individually or through the correctional officer's certified or recognized employee organization; and

(2) at any time prior to the beginning of a hearing by the hearing board.

§11–1007.

(a) Subject to subsection (b) of this section, an internal investigation unit may not bring administrative charges against a correctional officer unless the unit files the charges within 1 year after the act that gives rise to the charges comes to the attention of the managing official.

(b) The 1–year limitation of subsection (a) of this section does not apply to charges that relate to criminal activity or excessive force.

§11–1008.

(a) (1) Except as provided in paragraph (2) of this subsection and § 11–1012 of this subtitle, if the investigation or interrogation of a correctional officer results in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar action that is considered punitive, the correctional officer is entitled to a hearing on the issues by a hearing board before the managing official takes that action.

(2) A correctional officer who has been convicted of a felony is not entitled to a hearing under this section.

(b) (1) The internal investigation unit shall give notice to the correctional officer of the right to a hearing by a hearing board under this section.

(2) The notice required under this subsection shall state the time and place of the hearing and the issues involved.

(c) (1) Except as provided in paragraph (4) of this subsection and in § 11–1012 of this subtitle, the hearing board authorized under this section shall consist of at least three members who:

(i) are appointed by the managing official and chosen from correctional officers within that correctional facility, or from correctional officers of another correctional facility with the approval of the managing official of the other facility; and

(ii) have had no part in the investigation or interrogation of the correctional officer.

(2) At least one member of the hearing board shall be of the same rank as the correctional officer against whom the complaint is filed.

(3) (i) This paragraph does not apply in Harford County.

(ii) If the managing official is the correctional officer under investigation, the managing official of another correctional facility in the State shall function as the correctional officer of the same rank on the hearing board.

(iii) If the managing official of a correctional facility of a county or municipal corporation is under investigation, the official authorized to appoint the managing official's successor shall select the managing official of another correctional facility to function as the correctional officer of the same rank on the hearing board.

(4) (i) This paragraph does not apply in Harford County.

(ii) A correctional facility or the facility's superior governmental authority that has recognized and certified an exclusive collective bargaining representative may negotiate with the representative an alternative method of forming a hearing board.

(iii) A correctional officer may elect the alternative method of forming a hearing board if:

1. the correctional officer works in a correctional facility described in subparagraph (ii) of this paragraph; and

2. the correctional officer is included in the collective bargaining unit.

(iv) The internal investigation unit shall notify the correctional officer in writing before a hearing board is formed that the correctional officer may

elect an alternative method of forming a hearing board if one has been negotiated under this paragraph.

(v) If the correctional officer elects the alternative method, that method shall be used to form the hearing board.

(vi) A correctional facility or exclusive collective bargaining representative may not require a correctional officer to elect an alternative method of forming a hearing board.

(vii) If the correctional officer has been offered summary punishment, an alternative method of forming a hearing board may not be used.

(viii) This paragraph is not subject to binding arbitration.

(d) (1) In connection with a disciplinary hearing, the managing official or hearing board may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, papers, records, and documents as relevant or necessary.

(2) The subpoenas may be served without cost in accordance with the Maryland Rules that relate to service of process issued by a court.

(3) Each party may request the managing official or hearing board to issue a subpoena or order under this subtitle.

(4) In case of disobedience or refusal to obey a subpoena served under this subsection, the managing official may apply without cost to the circuit court of a county where the subpoenaed party resides or conducts business, for an order to compel the attendance and testimony of the witness or the production of the books, papers, records, and documents.

(5) On a finding that the attendance and testimony of the witness or the production of the books, papers, records, and documents is relevant or necessary:

(i) the court may issue without cost an order that requires the attendance and testimony of witnesses or the production of books, papers, records, and documents; and

(ii) failure to obey the order may be punished by the court as contempt.

(e) (1) The hearing shall be conducted by a hearing board.

(2) The hearing board shall give the internal investigation unit and correctional officer ample opportunity to present evidence and argument about the issues involved.

(3) The correctional facility and correctional officer may be represented by counsel.

(4) Each party has the right to cross–examine witnesses who testify and each party may submit rebuttal evidence.

(f) (1) Evidence with probative value that is commonly accepted by reasonable and prudent individuals in the conduct of their affairs is admissible and shall be given probative effect.

(2) The hearing board shall give effect to the rules of privilege recognized by law and shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(3) Each record or document that a party desires to use shall be offered and made a part of the record.

(4) Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(g) (1) The hearing board may take notice of:

(i) judicially cognizable facts; and

(ii) general, technical, or scientific facts within its specialized knowledge.

(2) The hearing board shall:

(i) notify each party of the facts so noticed either before or during the hearing, or by reference in preliminary reports or otherwise; and

(ii) give each party an opportunity and reasonable time to contest the facts so noticed.

(3) The hearing board may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented.

(h) (1) With respect to the subject of a hearing conducted under this subtitle, the managing official shall administer oaths or affirmations and examine individuals under oath.

(2) In connection with a disciplinary hearing, the managing official or a hearing board may administer oaths.

(i) (1) Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a circuit court.

(2) Witness fees, mileage, and the actual expenses necessarily incurred in securing the attendance of witnesses and their testimony shall be itemized and paid by the correctional facility.

(j) An official record, including testimony and exhibits, shall be kept of the hearing.

§11–1009.

(a) (1) A decision, order, or action taken as a result of a hearing under § 11–1008 of this subtitle shall be in writing and accompanied by findings of fact.

(2) The findings of fact shall consist of a concise statement on each issue in the case.

(3) A finding of not guilty terminates the action.

(4) If the hearing board makes a finding of guilt, the hearing board shall:

(i) reconvene the hearing;

(ii) receive evidence; and

(iii) consider the correctional officer's past job performance and other relevant information as factors before making recommendations to the managing official.

(5) A copy of the decision or order, findings of fact, conclusions, and written recommendations for action shall be delivered or mailed promptly to:

(i) the correctional officer or the correctional officer's counsel or representative of record; and

(ii) the managing official.

(b) (1) After a disciplinary hearing and a finding of guilt, the hearing board may recommend the penalty it considers appropriate under the circumstances, including demotion, dismissal, transfer, loss of pay, reassignment, or other similar action that is considered punitive.

(2) The recommendation of a penalty shall be in writing.

(c) (1) Notwithstanding any other provision of this subtitle, the decision of the hearing board as to findings of fact and any penalty is final if:

(i) a managing official is an eyewitness to the incident under investigation; or

(ii) except in Harford County, a managing official has agreed with an exclusive collective bargaining representative recognized or certified under applicable law that the decision is final.

(2) The decision of the hearing board then may be appealed in accordance with § 11–1010 of this subtitle.

(3) Paragraph (1)(ii) of this subsection is not subject to binding arbitration.

(d) (1) Within 30 days after receipt of the recommendations of the hearing board, the managing official shall:

(i) review the findings, conclusions, and recommendations of the hearing board; and

(ii) issue a final order.

(2) The final order and decision of the managing official is binding and then may be appealed in accordance with § 11–1010 of this subtitle.

(3) The recommendation of a penalty by the hearing board is not binding on the managing official.

(4) The managing official shall consider the correctional officer's past job performance as a factor before imposing a penalty.

(5) The managing official may increase the recommended penalty of the hearing board only if the managing official personally:

(i) reviews the entire record of the proceedings of the hearing board;

(ii) meets with the correctional officer and allows the correctional officer to be heard on the record;

(iii) discloses and provides in writing to the correctional officer, at least 10 days before the meeting, any oral or written communication not included in the record of the hearing board on which the decision to consider increasing the penalty is wholly or partly based; and

(iv) states on the record the substantial evidence relied on to support the increase of the recommended penalty.

§11–1010.

(a) An appeal from a decision made under § 11–1009 of this subtitle shall be taken to the circuit court for the county in accordance with Maryland Rule 7–202.

(b) A party aggrieved by a decision of a court under this subtitle may appeal to the Court of Special Appeals.

§11–1011.

On written request, a correctional officer may have expunged from any file the record of a formal complaint made against the correctional officer if:

(1) (i) the internal investigation unit that investigated the complaint:

1. exonerated the correctional officer of all charges in the complaint; or

2. determined that the charges were unsustained or unfounded; or

(ii) a hearing board acquitted the correctional officer, dismissed the action, or made a finding of not guilty; and

(2) at least 3 years have passed since the final disposition by the correctional facility or hearing board.

§11–1012.

(a) This subtitle does not prohibit summary punishment by higher–ranking correctional officers as designated by the managing official.

(b) (1) Summary punishment may be imposed for minor violations of correctional facility rules and regulations if:

(i) the facts that constitute the minor violation are not in dispute;

(ii) the correctional officer waives the hearing provided under this subtitle; and

(iii) the correctional officer accepts the punishment imposed by the highest–ranking correctional officer, or individual acting in that capacity, of the unit to which the correctional officer is attached.

(2) Summary punishment imposed under this subsection may not exceed suspension of 3 days without pay or a fine of $150.

(c) (1) If a correctional officer is offered summary punishment in accordance with subsection (b) of this section and refuses:

(i) the managing official may convene a hearing board of one or more members; and

(ii) the hearing board has only the authority to recommend the sanctions provided in this section for summary punishment.

(2) If a single member hearing board is convened:

(i) the member need not be of the same rank as the correctional officer; but

(ii) all other provisions of this subtitle apply.

§11–1013.

(a) This subtitle does not prohibit emergency suspension by higher–ranking correctional officers as designated by the managing official.

(b) (1) The managing official may impose emergency suspension with pay if it appears that the action is in the best interest of the inmates, public, and the correctional facility.

(2) If the correctional officer is suspended with pay, the managing official may suspend the correctional powers of the correctional officer and reassign the correctional officer to restricted duties pending:

(i) a determination by a court with respect to a criminal violation; or

(ii) a final determination by a hearing board with respect to a correctional facility violation.

(3) A correctional officer who is suspended under this subsection is entitled to a prompt hearing.

(c) (1) If a correctional officer is charged with a felony, the managing official may impose an emergency suspension of correctional powers without pay.

(2) A correctional officer who is suspended under paragraph (1) of this subsection is entitled to a prompt hearing.

§11–1014.

(a) A person may not knowingly make a false statement, report, or complaint during an investigation or proceeding conducted under this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§11–1101.

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

(b) (1) "Correctional officer" has the meaning stated in § 8–201 of this article.

(2) "Correctional officer" does not include an officer who is in probationary status on initial entry into the Sheriff's Office except if an allegation of brutality in the execution of the officer's duties is made against the officer.

(c) (1) "Hearing" means a proceeding during an investigation conducted by a hearing board to take testimony or receive other evidence.

(2) "Hearing" does not include an interrogation at which no testimony is taken under oath.

(d) "Hearing board" means a board that is authorized by the managing official to hold a hearing on a complaint against a correctional officer.

§11–1102.

This subtitle applies only in Calvert County and Charles County.

§11–1103.

(a) Except as otherwise provided, the provisions of this subtitle supersede any inconsistent provisions of any other State or local law that conflicts with this subtitle to the extent of the conflict.

(b) This subtitle does not limit the authority of the Sheriff to regulate the competent and efficient operation and management of the Sheriff's Office by any reasonable means including transfer and reassignment if:

(1) that action is not punitive in nature; and

(2) the Sheriff determines that action to be in the best interests of the internal management of the Sheriff's Office.

§11–1104.

(a) (1) Except as provided in paragraph (2) of this subsection, a correctional officer has the same rights to engage in political activity as a State employee.

(2) The right of a correctional officer to engage in political activity does not apply when the correctional officer is on duty or acting in an official capacity.

(b) The Sheriff's Office:

(1) may not prohibit secondary employment by a correctional officer; but

(2) may adopt reasonable regulations that relate to secondary employment by a correctional officer.

(c) A correctional officer may not be required or requested to disclose an item of the correctional officer's property, income, assets, source of income, debts, or

personal or domestic expenditures, including those of a member of the correctional officer's family or household, unless:

(1) the information is necessary to investigate a possible conflict of interest with respect to the performance of the correctional officer's official duties; or

(2) the disclosure is required by federal or State law.

(d) A correctional officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to the correctional officer's employment or be threatened with that treatment because the correctional officer:

(1) has exercised or demanded the rights granted by this subtitle; or

(2) has lawfully exercised constitutional rights.

(e) A statute may not abridge and the Sheriff's Office may not adopt a regulation that prohibits the right of a correctional officer to bring suit that arises out of the correctional officer's duties as a correctional officer.

(f) A correctional officer may waive in writing any or all rights granted by this subtitle.

§11–1105.

(a) The investigation or interrogation by an internal investigation unit of a correctional officer for a reason that may lead to disciplinary action, demotion, or dismissal shall be conducted in accordance with this section.

(b) For purposes of this section, the investigating officer or interrogating officer shall be a member of the Sheriff's Office.

(c) (1) A complaint against a correctional officer that alleges brutality in the execution of the correctional officer's duties may not be investigated unless the complaint is sworn to, before an official authorized to administer oaths, by:

(i) the aggrieved individual;

(ii) a member of the aggrieved individual's immediate family;

(iii) an individual with firsthand knowledge obtained because the individual was present at and observed the alleged incident; or

(iv) the parent or guardian of the minor child, if the alleged incident involves a minor child.

(2) (i) Subject to subparagraph (ii) of this paragraph, unless a complaint is filed within 90 days after the alleged brutality, an investigation that may lead to disciplinary action under this subtitle for brutality may not be initiated and an action may not be taken.

(ii) The Sheriff's Office may investigate any complaint of brutality at any time if the complaint is made by an employee or a member of the Sheriff's Office.

(d) (1) The correctional officer under investigation shall be informed of the name, rank, and command of:

(i) the officer in charge of the investigation;

(ii) the interrogating officer; and

(iii) each individual present during an interrogation.

(2) Before an interrogation, the correctional officer under investigation shall be informed in writing of the nature of the investigation.

(e) Unless the seriousness of the investigation is of a degree that an immediate interrogation is required, the interrogation shall be conducted at a reasonable hour, preferably when the correctional officer is on duty.

(f) The interrogation shall take place:

(1) at the office of the command of the investigating officer or at the office of the correctional officer under investigation, as designated by the investigating officer; or

(2) at another reasonable and appropriate place.

(g) (1) All questions directed to the correctional officer under interrogation shall be asked by and through one interrogating officer during any one session of interrogation consistent with paragraph (2) of this subsection.

(2) Each session of interrogation shall:

(i) be for a reasonable period; and

(ii) allow for personal necessities and rest periods as reasonably necessary.

(h) The correctional officer under interrogation may not be threatened with transfer, dismissal, or disciplinary action.

(i) (1) (i) On request, the correctional officer under interrogation has the right to be represented by counsel or another responsible representative of the correctional officer's choice who shall be present and available for consultation at all times during the interrogation.

(ii) The correctional officer may waive the right described in subparagraph (i) of this paragraph.

(2) (i) The interrogation shall be suspended for a period not exceeding 5 days until representation is obtained.

(ii) Within the 5–day period described in subparagraph (i) of this paragraph, the Sheriff, for good cause shown, may extend the period for obtaining representation.

(3) During the interrogation, the correctional officer's counsel or representative may:

(i) request a recess at any time to consult with the correctional officer;

(ii) object to any question posed; and

(iii) state on the record outside the presence of the correctional officer the reason for the objection.

(j) (1) A complete record shall be kept of the entire interrogation, including all recess periods, of the correctional officer.

(2) The record may be written, taped, or transcribed.

(3) On completion of the investigation, and on request of the correctional officer under investigation or the correctional officer's counsel or representative, a copy of the record of the interrogation shall be made available at least 10 days before a hearing.

(k) (1) The Sheriff's Office may order the correctional officer under investigation to submit to blood alcohol tests, blood, breath, or urine tests for

controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject matter of the investigation.

(2) If the Sheriff's Office orders the correctional officer to submit to a test, an examination, or an interrogation described in paragraph (1) of this subsection and the correctional officer refuses to do so, the Sheriff's Office may commence an action that may lead to a punitive measure as a result of the refusal.

(3) If the Sheriff's Office orders the correctional officer to submit to a test, an examination, or an interrogation described in paragraph (1) of this subsection, the results of the test, examination, or interrogation are not admissible or discoverable in a criminal proceeding against the correctional officer.

(l) (1) If the Sheriff's Office orders the correctional officer to submit to a polygraph examination, the results of the polygraph examination may not be used as evidence in an administrative hearing unless the Sheriff's Office and the correctional officer agree to the admission of the results.

(2) The correctional officer's counsel or representative need not be present during the actual administration of a polygraph examination by a certified polygrapher if:

(i) the questions to be asked are reviewed with the correctional officer or the counsel or representative before the administration of the examination;

(ii) the counsel or representative is allowed to observe the administration of the examination; and

(iii) a copy of the final report of the examination by the certified polygrapher is made available to the correctional officer or the counsel or representative within a reasonable time, not exceeding 10 days, after completion of the examination.

(m) (1) On completion of an investigation and at least 10 days before a hearing, the correctional officer under investigation shall be:

(i) notified of the name of each witness and of each charge and specification against the correctional officer; and

(ii) provided with a copy of the investigatory file and any exculpatory information, if the correctional officer and the correctional officer's representative agree to:

1. execute a confidentiality agreement with the Sheriff's Office not to disclose any material contained in the investigatory file and exculpatory information for any purpose other than to defend the correctional officer; and

2. pay a reasonable charge for the cost of reproducing the material.

(2) The Sheriff's Office may exclude from the exculpatory information provided to a correctional officer under this subsection:

(i) the identity of confidential sources;

(ii) nonexculpatory information; and

(iii) recommendations as to charges, disposition, or punishment.

(n) (1) The Sheriff's Office may not insert adverse material into a file of the correctional officer, except the file of the internal investigation, unless the correctional officer has an opportunity to review, sign, receive a copy of, and comment in writing on the adverse material.

(2) The correctional officer may waive the right described in paragraph (1) of this subsection.

§11–1106.

(a) Subject to subsection (b) of this section, the Sheriff's Office may not bring administrative charges against a correctional officer unless the Sheriff's Office files the charges within 1 year after the act that gives rise to the charges comes to the attention of the appropriate Sheriff's Office official.

(b) The 1–year limitation of subsection (a) of this section does not apply to charges that relate to criminal activity or brutality.

§11–1107.

(a) (1) Except as provided in paragraph (2) of this subsection, if the investigation or interrogation of a correctional officer results in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar action that is considered punitive, the correctional officer is entitled to a hearing on the issues by a hearing board before the Sheriff takes that action.

(2) A correctional officer who has been convicted of a felony is not entitled to a hearing under this section.

(b) (1) The Sheriff's Office shall give notice to the correctional officer of the right to a hearing by a hearing board under this section.

(2) The notice required under this subsection shall state the time and place of the hearing and the issues involved.

(c) (1) The hearing board authorized under this section shall consist of at least three members who:

(i) are appointed by the Sheriff and chosen from correctional officers within the Sheriff's Office, or from correctional officers of another correctional facility with the approval of the Sheriff of the other facility; and

(ii) have had no part in the investigation or interrogation of the correctional officer.

(2) At least one member of the hearing board shall be of the same rank as the correctional officer against whom the complaint is filed.

(3) At least two members of the hearing board shall be correctional officers.

(d) (1) In connection with a disciplinary hearing, the Sheriff or hearing board may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, papers, records, and documents as relevant or necessary.

(2) The subpoenas may be served without cost in accordance with the Maryland Rules that relate to service of process issued by a court.

(3) Each party may request the Sheriff or hearing board to issue a subpoena or an order under this subtitle.

(e) (1) The hearing shall be conducted by a hearing board.

(2) The hearing board shall give the Sheriff's Office and correctional officer ample opportunity to present evidence and argument about the issues involved.

(3) The Sheriff's Office and correctional officer may be represented by counsel.

(4) Each party has the right to cross–examine witnesses who testify, and each party may submit rebuttal evidence.

(f) (1) Evidence with probative value that is commonly accepted by reasonable and prudent individuals in the conduct of their affairs is admissible and shall be given probative effect.

(2) The hearing board shall give effect to the rules of privilege recognized by law and shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(3) Each record or document that a party desires to use shall be offered and made a part of the record.

(4) Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(g) (1) The hearing board may take notice of:

(i) judicially cognizable facts; and

(ii) general, technical, or scientific facts within the hearing board's specialized knowledge.

(2) The hearing board shall:

(i) notify each party of the facts so noticed either before or during the hearing, or by reference in preliminary reports or otherwise; and

(ii) give each party an opportunity and reasonable time to contest the facts so noticed.

(3) The hearing board may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented.

(h) In connection with a disciplinary hearing, the Sheriff or a hearing board may administer oaths.

(i) An official record, including testimony and exhibits, shall be kept of the hearing.

§11–1108.

(a) (1) A decision, an order, or an action taken as a result of a hearing under § 11–1107 of this subtitle shall be in writing and accompanied by findings of fact.

(2) The findings of fact shall consist of a concise statement on each issue in the case.

(3) A finding of not guilty terminates the action.

(4) If the hearing board makes a finding of guilt, the hearing board shall:

(i) reconvene the hearing;

(ii) receive evidence; and

(iii) consider the correctional officer's past job performance and other relevant information as factors before making recommendations to the Sheriff.

(5) A copy of the decision or order, findings of fact, conclusions, and written recommendations for action shall be delivered or mailed promptly to:

(i) the correctional officer or the correctional officer's counsel or representative of record; and

(ii) the Sheriff.

(b) (1) After a disciplinary hearing and a finding of guilt, the hearing board may recommend the penalty it considers appropriate under the circumstances, including demotion, dismissal, transfer, loss of pay, reassignment, or other similar action that is considered punitive.

(2) The recommendation of a penalty shall be in writing.

(c) (1) Within 30 days after receipt of the recommendations of the hearing board, the Sheriff shall:

(i) review the findings, conclusions, and recommendations of the hearing board; and

(ii) issue a final order.

(2) The recommendation of a penalty by the hearing board is not binding on the Sheriff.

(3) The Sheriff shall consider the correctional officer's past job performance as a factor before imposing a penalty.

(4) The Sheriff may increase the recommended penalty of the hearing board only if the Sheriff personally meets with the correctional officer and allows the correctional officer to be heard on the record.

§11–1109.

On written request to the Sheriff, a correctional officer may have expunged from any file the record of a formal complaint made against the correctional officer if:

(1) the investigation or hearing resulted in a finding of nonsustained or unfounded; or

(2) the correctional officer was exonerated and at least 3 years have passed since the final disposition by the Sheriff's Office or hearing board.

§11–1110.

(a) (1) The Sheriff may impose emergency suspension with pay if it appears that the action is in the best interest of the public and the Sheriff's Office.

(2) If the correctional officer is suspended with pay, the Sheriff may reassign the correctional officer to restricted duties pending:

(i) a determination by a court with respect to a criminal violation; or

(ii) a final determination by a hearing board with respect to a Sheriff's Office violation.

(b) If a correctional officer is charged with a felony, the Sheriff may impose an emergency suspension of correctional powers without pay.

(c) A correctional officer who is suspended under this section is entitled to a prompt hearing before the Assistant Sheriff or the Assistant Sheriff's designee.

§11–1111.

Any dispute concerning the application or interpretation of this subtitle shall be resolved by the Assistant Sheriff.