

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1072
Judiciary

(Charles County Delegation)

Judicial Proceedings

Charles County – Community Service and Pretrial Release Programs –
Authorization

This bill authorizes the Charles County Board of County Commissioners to establish and provide for the administration of (1) a community service program in the county and (2) a pretrial release program in the county. As specified, a court may order a person to participate in a community service program or a pretrial release program.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances or operations.

Local Effect: The bill is enabling legislation; however, *if* Charles County establishes a community service program and/or a pretrial release program, expenditures increase significantly, as discussed below. Potential minimal increase in county revenues to the extent that a community service program is established and fees are collected.

Small Business Effect: None.

Analysis

Bill Summary:

Community Service Program: A court may order a person to participate in the community service program if the person has been convicted of a criminal offense or received probation before judgment for a criminal offense and is recommended to the court for placement in the program by the program staff. The community service program may charge a fee not exceeding \$40 for each eight-hour period of community service, and the

court may waive all or part of a fee charged. The community service program staff must report to the court when a person has completed or failed to complete community service in the program.

Pretrial Release Program: A court may order a person to participate in the pretrial release program at any time during the pretrial detention of the person, if the person appears before the court after being charged with a criminal offense and detained. The court must require a person ordered to participate in the program to comply with all rules and conditions of supervision for the program, and a person who violates a condition established by the court or the program is subject to removal from the program.

The bill establishes requirements for staff of the pretrial release program and authorizes supervision in the pretrial release program to include the use of electronic monitoring and drug and alcohol testing.

For each person ordered to participate in the pretrial release program, the Board of County Commissioners and the sheriff may enter into an agreement providing for specified services to be performed.

Current Law: Charles County does not currently have an established community service program or pretrial release program.

The crime of escape in the first degree from a place of confinement is a felony, which subjects violators to maximum penalties of a fine of \$20,000 and/or imprisonment for 10 years.

Section 14-101(a) of the Criminal Law Article defines a “crime of violence” as (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking (including armed carjacking); (11) first- and second-degree sexual offenses; (12) use of a firearm in the commission of a felony or other crime of violence, except possession with intent to distribute a controlled dangerous substance; (13) child abuse in the first degree; (14) sexual abuse of a minor younger than age 13 under specified circumstances; (15) home invasion; (16) felony sex trafficking and forced marriage; (17) an attempt to commit crimes (1) through (16); (18) continuing course of certain sexual conduct with a child; (19) assault in the first degree; and (20) assault with intent to murder, rape, rob, or commit a sexual offense in the first or second degree.

Local Revenues: County revenues may increase minimally due to the authorized fee for participants in a community service program established under the bill; however, since the court is authorized to waive all or part of the fee, a reliable estimate of revenues cannot be made at this time.

Local Expenditures: As previously mentioned, the bill authorizes Charles County to establish and implement a community service program and a pretrial release program. The ultimate costs for Charles County depend on whether the county pursues implementation of the programs. However, Charles County advises that based on preliminary estimates, county expenditures increase by approximately \$480,000 each year for personnel (one correctional officer and two county employees), equipment, and operating expenses to run the programs.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 750 (Charles County Senators) - Judicial Proceedings.

Information Source(s): Charles County; Governor's Office of Crime Prevention, Youth, and Victim Services; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2021
rh/lgc Third Reader - March 24, 2021
Revised - Amendment(s) - March 24, 2021

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