

HOUSE BILL 1329

E5

4lr2210

By: **Delegate Attar**

Introduced and read first time: February 9, 2024

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 5, 2024

CHAPTER _____

1 AN ACT concerning

2 **Division of Parole and Probation – Private Home Detention Monitoring –**
3 **Earned Compliance Credits**

4 FOR the purpose of authorizing individuals under supervision by a private home detention
5 monitoring agency to receive earned compliance credits; requiring a private home
6 detention monitoring agency to provide a certain report to the Division of Parole and
7 Probation under certain circumstances; and generally relating to earned compliance
8 credits and private home detention monitoring.

9 BY repealing and reenacting, with amendments,
10 Article – Correctional Services
11 Section 6–117
12 Annotated Code of Maryland
13 (2017 Replacement Volume and 2023 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Business Occupations and Professions
16 Section 20–401
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2023 Supplement)

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

21 **Article – Correctional Services**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 6–117.

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

3 (2) “Abatement” means an end to active supervision **OR HOME**
4 **DETENTION** of a supervised individual, without effect on the legal expiration date of the
5 case or the supervised individual’s obligation to:

6 (i) obey all laws; and

7 (ii) obtain written permission from the Division of Parole and
8 Probation before relocating the supervised individual’s residence outside the State.

9 (3) “Earned compliance credit” means a 20–day reduction from the period
10 of active supervision **OR HOME DETENTION** of the supervised individual for every month
11 that a supervised individual:

12 (i) exhibits compliance with the conditions and goals of the
13 supervised individual’s probation, parole, or mandatory release supervision, as determined
14 by the Department;

15 (ii) has no new arrests;

16 (iii) has not violated any conditions of no contact imposed on the
17 supervised individual;

18 (iv) is current on court ordered payments for restitution, fines, and
19 fees relating to the offense for which earned compliance credits are being accrued; **[and]**

20 (v) is current in completing any community supervision
21 requirements included in the conditions of the supervised individual’s probation, parole, or
22 mandatory release supervision; **AND**

23 **(VI) IF APPLICABLE, HAS BEEN COMPLIANT WITH ANY**
24 **SUPERVISION REQUIREMENTS OF A PRIVATE HOME DETENTION MONITORING**
25 **AGENCY.**

26 (4) **“HOME DETENTION” MEANS MONITORING BY A PRIVATE HOME**
27 **DETENTION MONITORING AGENCY LICENSED UNDER TITLE 20, SUBTITLE 1 OF THE**
28 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**

29 (5) (i) “Supervised individual” means an individual placed on probation
30 by a court or serving a period of parole or mandatory release supervision after release from
31 a correctional facility.

1 **(II) “SUPERVISED INDIVIDUAL” INCLUDES AN INDIVIDUAL**
2 **BEING MONITORED BY A PRIVATE HOME DETENTION MONITORING AGENCY AS A**
3 **CONDITION OF PROBATION.**

4 **[(ii)] (III)** “Supervised individual” does not include:

5 1. a person incarcerated, on probation, or convicted in this
6 State for a crime of violence;

7 2. a person incarcerated, on probation, or convicted in this
8 State for a crime under Title 3, Subtitle 3 of the Criminal Law Article;

9 3. a person incarcerated, on probation, or convicted in this
10 State for a violation of § 2–503, §§ 5–612 through 5–614, § 5–627, or § 5–628 of the Criminal
11 Law Article;

12 4. a person registered or eligible for registration under Title
13 11, Subtitle 7 of the Criminal Procedure Article;

14 5. a person who was convicted in any other jurisdiction of a
15 crime and the person’s supervision was transferred to this State; or

16 6. a person who was convicted in this State of a crime and
17 the person’s supervision was transferred to another state.

18 (b) The Department shall:

19 (1) establish a program to implement earned compliance credits; and

20 (2) adopt policies and procedures to implement the program.

21 (c) (1) Notwithstanding any other law, the Maryland Parole Commission or
22 the court shall adjust the period of a supervised individual’s supervision **OR HOME**
23 **DETENTION** on the recommendation of the Division of Parole and Probation for earned
24 compliance credits accrued under a program created under this section.

25 (2) Once a combination of time served on probation, parole, or mandatory
26 supervision, and earned compliance credits satisfy the supervised individual’s active term
27 of supervision **OR HOME DETENTION**, the Division shall place the individual on
28 abatement.

29 (d) The Division shall:

30 (1) provide regular notification to a supervised individual of the tentative
31 abatement transfer date; and

1 (2) develop policies for notifying a supervised individual of change to the
2 abatement transfer date.

3 (e) At least 90 days before the date of transfer to abatement, the Division shall
4 notify the Commission or the court of the impending transfer.

5 (f) A supervised individual whose period of active supervision **OR HOME**
6 **DETENTION** has been completely reduced as a result of earned compliance credits shall
7 remain on abatement until the expiration of the supervised individual's sentence, unless:

8 (1) the supervised individual consents to continued active supervision **OR**
9 **HOME DETENTION**; or

10 (2) the supervised individual violates a condition of probation, parole, or
11 mandatory release supervision including failure to pay a required payment of restitution.

12 (g) A supervised individual who is placed on abatement under this section may
13 not be required to:

14 (1) regularly report to a parole or probation agent; or

15 (2) pay a supervision fee.

16 (h) If a supervised individual violates a condition of probation while on
17 abatement, a court may order the supervised individual to be returned to active supervision
18 **OR HOME DETENTION**.

19 (i) (1) Twenty-five percent of the savings realized by the Department as a
20 result of the application of earned compliance credits shall revert to the Department.

21 (2) After the savings revert to the Department in accordance with
22 paragraph (1) of this subsection, any remaining savings shall revert to the Performance
23 Incentive Grant Fund established under § 9-3209 of the State Government Article.

24 (j) This section may not be construed to limit the authority of a court or the Parole
25 Commission to extend probation, parole, or mandatory release supervision under § 6-222
26 of the Criminal Procedure Article.

27 (k) The Department shall develop an automated application for the tracking and
28 awarding of earned compliance credits by the Division.

29 Article – Business Occupations and Professions

30 20-401.

31 (a) A private home detention monitoring agency shall:

1 (1) monitor individuals in accordance with any applicable orders of court;

2 (2) monitor 24 hours a day and 7 days a week individuals who are under a
3 court order that requires monitoring by a private home detention monitoring agency; and

4 (3) utilize electronic equipment or other monitoring methods that meet or
5 exceed standards established in regulations by the Secretary.

6 (b) (1) Upon determining that a defendant subject to private home detention
7 monitoring under the provisions of § 5–201(b) of the Criminal Procedure Article has been
8 missing for 24 hours, the private home detention monitoring agency responsible for
9 monitoring the defendant shall, on the next business day, notify the court that ordered
10 private home detention monitoring as a condition of the defendant’s pretrial release.

11 (2) If the court that ordered private detention monitoring as a condition of
12 a defendant’s pretrial release under the provisions of § 5–201(b) of the Criminal Procedure
13 Article requests that it be notified if the defendant violates any other conditions of pretrial
14 release, the private home detention monitoring agency responsible for monitoring the
15 defendant shall provide the court with the requested notice.

16 (c) Upon determining that an individual who is subject to private home detention
17 monitoring as a condition of probation has been missing for 24 hours, the private home
18 detention monitoring agency responsible for monitoring the individual shall, on the next
19 business day, notify the Division of Parole and Probation.

20 **(D) ON REQUEST BY THE DIVISION OF PAROLE AND PROBATION, THE**
21 **PRIVATE HOME DETENTION MONITORING AGENCY RESPONSIBLE FOR MONITORING**
22 **AN INDIVIDUAL WHO IS SUBJECT TO MONITORING AS A CONDITION OF PROBATION**
23 **SHALL FORWARD A REPORT OF THE INDIVIDUAL’S COMPLIANCE DURING THE**
24 **MONITORING PERIOD.**

25 **(E) A REPORT UNDER SUBSECTION (D) OF THIS SECTION, AT A MINIMUM,**
26 **SHALL INCLUDE:**

27 **(1) THE CONDITIONS OF MONITORING SET BY THE SENTENCING**
28 **COURT;**

29 **(2) ALL INFRACTIONS THAT THE INDIVIDUAL HAS COMMITTED**
30 **DURING THE MONITORING PERIOD, EVEN IF THE INFRACTION DID NOT RESULT IN A**
31 **REPORTED VIOLATION TO THE DIVISION OF PAROLE AND PROBATION OR THE**
32 **SENTENCING COURT; AND**

33 **(3) ANY OTHER INFORMATION IN THE POSSESSION OF THE PRIVATE**
34 **HOME DETENTION MONITORING AGENCY CONCERNING THE INDIVIDUAL THAT THE**
35 **DIVISION OF PAROLE AND PROBATION DETERMINES IS RELEVANT.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.