

HOUSE BILL 222

E5

(PRE-FILED)

4r0124
CF SB 251

By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Requested: September 12, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2024

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Division of Pretrial Detention and Services – Facilities**

3 FOR the purpose of altering the composition and authority of the Division of Pretrial
4 Detention and Services within the Department of Public Safety and Correctional
5 Services; altering the authority of the Commissioner of the Division; establishing the
6 Youth Detention Center in the Division; establishing the facility administrator and
7 authorizing assistant facility administrators for the Youth Detention Center;
8 repealing authorization for the Baltimore City Detention Center; and generally
9 relating to the Division of Pretrial Detention and Services.

10 BY repealing and reenacting, with amendments,

11 Article – Correctional Services

12 Section 5–201 and 5–202; and 5–401 through 5–406 to be under the amended subtitle

13 “Subtitle 4. Baltimore City – Facilities”

14 Annotated Code of Maryland

15 (2017 Replacement Volume and 2023 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Correctional Services**

19 5–201.

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 (a) There is a Division of Pretrial Detention and Services in the Department.

2 (b) The Division consists of:

- 3 (1) a Pretrial Release Services Program;
- 4 (2) [a Baltimore City Detention Center; and
- 5 (3)] a centralized booking facility for Baltimore City;
- 6 **(3) THE MARYLAND TRANSITION CENTER;**
- 7 **(4) THE CHESAPEAKE DETENTION CENTER; AND**
- 8 **(5) THE YOUTH DETENTION CENTER.**

9 (c) The Division has the same authority with regard to the custody of its inmates
10 and the operation of the [Baltimore City Detention Center] **FACILITIES WITHIN THE**
11 **DIVISION** as:

12 (1) the Division of Correction has under this Code with regard to the
13 custody of its inmates and the operation of the Division of Correction; and

14 (2) the sheriffs have under this Code with regard to the detention of
15 inmates committed to their custody and the operation of local correctional facilities.

16 (d) This title does not limit or supersede the authority of a court to determine the
17 conditions of pretrial release.

18 5-202.

19 (a) With the approval of the Governor, the Secretary shall appoint a
20 Commissioner of Pretrial Detention and Services.

21 (b) The Commissioner serves at the pleasure of the Secretary.

22 (c) The Commissioner:

23 (1) has the same authority over the Division as this Code vests in the
24 Commissioner of Correction over the Division of Correction;

25 (2) shall keep safely any inmate committed or transferred to the custody of
26 the Commissioner until the inmate is discharged in accordance with law;

27 (3) is in charge of the Division, subject to the authority of the Secretary;

1 (4) is the appointing authority for all employees of the Division;

2 (5) shall establish a home detention program under terms and conditions
3 that the Secretary provides;

4 (6) may enter agreements with the Commissioner of Correction and
5 governmental units for the housing of any inmate held in the [Baltimore City Detention
6 Center] **CUSTODY OF THE DIVISION**;

7 (7) may enter agreements for the housing of any inmate committed to
8 federal or local governmental units in [the Baltimore City Detention Center] **A FACILITY
9 WITHIN THE DIVISION**; and

10 (8) may enter other agreements necessary to carry out the purposes of this
11 title.

12 (d) (1) Subject to paragraph (2) of this subsection and notwithstanding any
13 other provision of law, the Commissioner shall establish by regulation the terms and
14 conditions of the home detention program required under subsection (c)(5) of this section.

15 (2) The authority of a court to determine the conditions of pretrial release
16 or to find that a defendant awaiting trial may not be placed on a home detention program
17 may not be limited or superseded by:

18 (i) a regulation of the Division or Department; or

19 (ii) the Division or the Commissioner.

20 Subtitle 4. Baltimore City [Detention Center] – **FACILITIES**.

21 5–401.

22 (a) There is a [Baltimore City Detention Center] **YOUTH DETENTION CENTER**
23 in the Division.

24 (b) The [Baltimore City Detention Center is a pretrial detention facility for
25 inmates committed or transferred to the custody of the Commissioner] **YOUTH
26 DETENTION CENTER IS A PRETRIAL DETENTION FACILITY FOR JUVENILE
27 INCARCERATED INDIVIDUALS UNDER THE AGE OF 18 YEARS WHO HAVE BEEN
28 CHARGED WITH A CRIME AS AN ADULT IN BALTIMORE CITY**.

29 [(c) The Secretary may authorize the housing in the Baltimore City Detention
30 Center of any inmate held in custody under any unit in the Department.]

31 5–402.

1 (a) With the approval of the Secretary, the Commissioner shall appoint a [warden
2 of the Baltimore City Detention Center] **FACILITY ADMINISTRATOR OF THE YOUTH**
3 **DETENTION CENTER**.

4 (b) The [warden] **FACILITY ADMINISTRATOR** serves at the pleasure of the
5 Commissioner.

6 (c) Subject to the authority of the Commissioner and the Secretary, the [warden]
7 **FACILITY ADMINISTRATOR** is in charge of the [Baltimore City Detention Center] **YOUTH**
8 **DETENTION CENTER**.

9 5-403.

10 (a) The Commissioner may appoint assistant [wardens] **FACILITY**
11 **ADMINISTRATORS** for the [Baltimore City Detention Center] **YOUTH DETENTION**
12 **CENTER** as provided in the State budget.

13 (b) An assistant [warden] **FACILITY ADMINISTRATOR** serves at the pleasure of
14 the Commissioner.

15 (c) Subject to the authority of the Commissioner and the Secretary, in the absence
16 of the [warden] **FACILITY ADMINISTRATOR**, an assistant [warden] **FACILITY**
17 **ADMINISTRATOR** designated by the [warden] **FACILITY ADMINISTRATOR** is in charge of
18 the [Baltimore City Detention Center] **YOUTH DETENTION CENTER**.

19 5-404.

20 (a) The Division shall operate a centralized booking facility for Baltimore City.

21 (b) The centralized booking facility shall include:

22 (1) pretrial release services;

23 (2) District Court Commissioners;

24 (3) an Office of the State's Attorney for Baltimore City; and

25 (4) Baltimore City Police Services.

26 (c) The centralized booking facility [or the Baltimore City Detention Center]
27 shall be equipped for video bail review.

28 5-405.

1 (a) An inmate in the [Baltimore City Detention Center] **CENTRALIZED**
2 **BOOKING FACILITY** who is sick, injured, or disabled shall:

3 (1) reimburse the State, as appropriate, for the payment of medical
4 expenses; and

5 (2) provide the warden with any information relating to:

6 (i) the existence of any health insurance, group health plan, or
7 prepaid medical care coverage under which the inmate is insured or covered;

8 (ii) the inmate's eligibility for benefits under the Maryland Medical
9 Assistance Program;

10 (iii) the name and address of the third party payor; and

11 (iv) any policy or other identifying number relating to items (i)
12 through (iii) of this item.

13 (b) (1) In addition to obtaining any reimbursement authorized under
14 subsection (a) of this section and subject to paragraph (4) of this subsection, the Department
15 shall establish a reasonable fee, not to exceed \$4, for each visit by an inmate to an
16 institutional medical unit or noninstitutional physician, dentist, or optometrist.

17 (2) The per visit fee shall be deducted from an inmate's spending financial
18 account, reserve financial account, or similar account held by the warden on behalf of the
19 inmate.

20 (3) The fees collected under this subsection shall be deposited in the
21 General Fund of the State.

22 (4) This subsection does not apply to a visit by an inmate to a medical unit
23 or a physician, dentist, or optometrist if the visit is:

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

25 (ii) required for an initial physical examination;

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

27 (iv) provided during a follow-up visit that is initiated by a medical
28 professional from the [Baltimore City Detention Center] **CENTRALIZED BOOKING**
29 **FACILITY**;

30 (v) initiated by a medical or mental health staff member of the
31 [Baltimore City Detention Center] **CENTRALIZED BOOKING FACILITY**; or

1 (vi) required for necessary treatment.

2 (c) Subsections (a) and (b) of this section do not impose liability for
3 reimbursement or payment of medical expenses on any person other than an inmate
4 personally or through a person that provides insurance, coverage, or other benefits
5 described under subsection (a) of this section.

6 5-406.

7 (a) On the recommendation of a healthcare provider, the [warden] FACILITY
8 ADMINISTRATOR of the [Baltimore City Detention Center] YOUTH DETENTION CENTER
9 and the [warden’s] FACILITY ADMINISTRATOR’S designees may authorize medical
10 treatment of a juvenile inmate when in the judgment of the [warden] FACILITY
11 ADMINISTRATOR or a designee the treatment is required and a parent, guardian, or person
12 in loco parentis of the juvenile is not available on a timely basis to give the authorization.

13 (b) The [warden] FACILITY ADMINISTRATOR or the [warden’s] FACILITY
14 ADMINISTRATOR’S designees may not be held liable for authorizing medical treatment
15 under this section in good faith.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.