

SENATE BILL 468

E2

4r2340
CF 4r2339

By: **Senator McCray (By Request – Baltimore City Administration)**

Introduced and read first time: January 22, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Private Home Detention Monitoring – Notification**

3 FOR the purpose of requiring a private home detention monitoring agency to immediately
4 notify the court after a defendant subject to private home detention monitoring as a
5 condition of pretrial release has been missing for a certain amount of time; requiring
6 a private home detention monitoring agency to notify immediately the Division of
7 Parole and Probation after an individual subject to home monitoring as a condition
8 of probation has been missing for a certain amount of time; clarifying that a person
9 is released, rather than committed, to private home detention monitoring for certain
10 purposes; establishing the Workgroup on Home Detention Monitoring; and generally
11 relating to private home detention monitoring.

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

17 BY repealing and reenacting, with amendments,
18 Article – Criminal Law
19 Section 9–405(b)
20 Annotated Code of Maryland
21 (2021 Replacement Volume and 2023 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Criminal Law
24 Section 9–405(c)
25 Annotated Code of Maryland
26 (2021 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Business Occupations and Professions**

4 20–401.

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

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

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

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

11 (b) (1) **(I)** Upon determining that a defendant subject to private home
12 detention monitoring under the provisions of § 5–201(b) of the Criminal Procedure Article
13 has been missing for 24 hours, the private home detention monitoring agency responsible
14 for monitoring the defendant shall[, on the next business day,] notify **IMMEDIATELY** the
15 court that ordered private home detention monitoring as a condition of the defendant’s
16 pretrial release.

17 **(II) IF THE COURT THAT ORDERED PRIVATE HOME DETENTION**
18 **MONITORING IS NOT OPEN FOR BUSINESS WHEN NOTIFICATION IS REQUIRED, THE**
19 **PRIVATE HOME DETENTION MONITORING AGENCY SHALL NOTIFY:**

20 **1. THE DESIGNATED LAW ENFORCEMENT AGENCY IN**
21 **BALTIMORE CITY OR THE COUNTY WHERE THE COURT IS LOCATED; AND**

22 **2. THE COURT IMMEDIATELY ON THE COURT OPENING**
23 **FOR BUSINESS.**

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

29 (c) Upon determining that an individual who is subject to private home detention
30 monitoring as a condition of probation has been missing for 24 hours, the private home
31 detention monitoring agency responsible for monitoring the individual shall[, on the next
32 business day,] notify **IMMEDIATELY** the Division of Parole and Probation.

33 **Article – Criminal Law**

1 9–405.

2 (b) (1) This subsection applies to a person who is:

3 (i) temporarily released from a place of confinement;

4 (ii) committed to a pretrial agency;

5 (iii) committed to home detention by:

6 1. the court; or

7 2. the Division of Correction under Title 3, Subtitle 4 of the
8 Correctional Services Article;

9 (iv) committed to a home detention program administered by a
10 county;

11 (v) **[committed] RELEASED** to a private home detention monitoring
12 agency as defined in § 20–101 of the Business Occupations and Professions Article; or

13 (vi) ordered by a court to serve a term of custodial confinement as
14 defined in § 6–219 of the Criminal Procedure Article as a condition of a suspended sentence
15 or probation before or after judgment.

16 (2) A person may not knowingly:

17 (i) violate any restriction on movement imposed under the terms of
18 a temporary release, pretrial commitment, custodial confinement, or home detention order
19 or agreement;

20 (ii) fail to return to a place of confinement under the terms of a
21 temporary release, pretrial commitment, custodial confinement, or home detention order
22 or agreement; or

23 (iii) remove, block, deactivate, or otherwise tamper with a monitoring
24 device required to be worn or carried by the person to track the person's location, including
25 an ankle or wrist bracelet, global position satellite offender tracking technology, or
26 comparable equipment or system.

27 (c) A person who violates this section is guilty of the misdemeanor of escape in
28 the second degree and on conviction is subject to imprisonment not exceeding 3 years or a
29 fine not exceeding \$5,000 or both.

30 SECTION 2. AND BE IT FURTHER ENACTED, That:

1 (a) There is a Workgroup on Home Detention Monitoring.

2 (b) The Workgroup consists of the following members:

3 (1) three members of the Senate of Maryland, appointed by the President
4 of the Senate;

5 (2) three members of the House of Delegates, appointed by the Speaker of
6 the House;

7 (3) the Secretary of Public Safety and Correctional Services, or the
8 Secretary's designee;

9 (4) the Public Defender of Maryland, or the Public Defender's designee;

10 (5) the Secretary of Juvenile Services, or the Secretary's designee;

11 (6) one representative of the Judiciary;

12 (7) the President of the Maryland State's Attorneys' Association, or the
13 President's designee; and

14 (8) the following members, appointed by the Governor:

15 (i) one representative of the Job Opportunities Task Force;

16 (ii) one representative of the Maryland Chiefs of Police Association;

17 (iii) one representative of the Maryland Sheriffs' Association;

18 (iv) one representative of a large local detention center;

19 (v) one representative of a small local detention center;

20 (vi) one representative of a county pretrial release program that does
21 not charge a fee to participants;

22 (vii) one representative of a county pretrial release program that
23 charges a fee to participants;

24 (viii) one representative of an organization that assists victims of
25 domestic violence; and

26 (ix) one representative of a private home detention monitoring
27 agency as a nonvoting member.

1 (c) The President of the Senate and the Speaker of the House shall select two
2 cochairs from among the members of the Workgroup.

3 (d) The Department of Public Safety and Correctional Services shall provide staff
4 for the Workgroup.

5 (e) A member of the Workgroup:

6 (1) may not receive compensation as a member of the Workgroup; but

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

9 (f) The Workgroup shall:

10 (1) study the licensing, regulation, oversight, notification, and enforcement
11 processes for home monitoring in the State; and

12 (2) make recommendations for a cost-effective and streamlined process for
13 home monitoring in the State.

14 (g) On or before December 31, 2025, the Workgroup shall report its findings and
15 recommendations to the Governor and, in accordance with § 2-1257 of the State
16 Government Article, the General Assembly.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2024. Section 2 of this Act shall remain effective for a period of 2 years and, at
19 the end of September 30, 2026, Section 2 of this Act, with no further action required by the
20 General Assembly, shall be abrogated and of no further force and effect.