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**By: Chairman, Judiciary Committee (Departmental - Public Safety and Correctional Services)**

Introduced and read first time: January 17, 1996

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: February 6, 1996

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Home Detention - Commissioner of Correction**

3 FOR the purpose of permitting the designee of the Commissioner of Correction to  
4 approve an inmate for participation in the home detention program; making a  
5 technical correction; and generally relating to the home detention program.

6 BY repealing and reenacting, with amendments,  
7 Article 27 - Crimes and Punishments  
8 Section 689A(b), (d), and (e)  
9 Annotated Code of Maryland  
10 (1992 Replacement Volume and 1995 Supplement)

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

13 **Article 27 - Crimes and Punishments**

14 689A.

15 (b) With the approval of the Secretary, the Commissioner may establish a home  
16 detention program under which inmates committed to the custody of the Commissioner  
17 may be permitted to live in a private dwelling approved by the Commissioner OR THE  
18 COMMISSIONER'S DESIGNEE.

19 (d) An inmate is not eligible for the program if the inmate:

20 (1) Is serving a life sentence;

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1 (2) Has been found guilty of a crime of violence as defined in § 643B of this  
2 subheading unless:

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

5 (ii) The inmate is within 90 days of release on parole or mandatory  
6 supervision; and

7 (3) Has been found guilty of the crime of:

8 (i) Child abuse under [§ 35A] § 35C of this article; or

9 (ii) Escape under § 139 of this article.

10 (e) An inmate may be placed on the program only:

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

12 (2) With the approval of the Commissioner OR THE COMMISSIONER'S  
13 DESIGNEE; and

14 (3) After the inmate has served any statutorily imposed minimum sentence,  
15 less the allowances for diminution of confinement provided for in §§ 638C and 700 of this  
16 article.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 1996.