
By: Delegate Walkup

Introduced and read first time: January 31, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Kent County Detention Center - Correctional Programs**

3 FOR the purpose of authorizing the Kent County Detention Center to establish and
4 administer pretrial release, work release, community service, and home detention
5 programs; authorizing a court in Kent County to sentence individualsto participate
6 in pretrial release, work release, community service, or home detention programs;
7 requiring certain prisoners to reimburse the Detention Center for certain expenses;
8 allowing inmates to be removed from the programs and providing certain penalties
9 for violations of certain conditions; defining a certain term; providing for
10 compassionate leave; and generally relating to correctional programsin Kent
11 County.

12 BY repealing and reenacting, with amendments,
13 Article 27 - Crimes and Punishments
14 Section 645HH
15 Annotated Code of Maryland
16 (1992 Replacement Volume and 1995 Supplement)

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

19 **Article 27 - Crimes and Punishments**

20 645HH.

21 (a) Prisoners incarcerated in the Kent County Detention Center who are
22 employed under the provisions of § 645K of this article shall be required to pay court
23 ordered restitution payments and the reasonable costs of their own food, lodging, and
24 clothing while in the Detention Center.

25 (b) The Kent County Commissioners shall:

26 (1) Establish a reasonable per diem rate for food, lodging, andclothing; and

27 (2) Designate the Warden of the Kent County Detention Center as the
28 agent to collect these costs.

29 (C) (1) THE KENT COUNTY COMMISSIONERS MAY ESTABLISH THE
30 FOLLOWING PROGRAMS UNDER THE KENT COUNTY DETENTION CENTER:

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1 (I) PRETRIAL RELEASE;

2 (II) WORK RELEASE;

3 (III) COMMUNITY SERVICE; AND

4 (IV) HOME DETENTION.

5 (2) THE KENT COUNTY COMMISSIONERS SHALL ADOPT REGULATIONS
6 NECESSARY TO IMPLEMENT THE PROGRAMS ESTABLISHED UNDER THIS SECTION.

7 (D) IN KENT COUNTY, WHEN AN INDIVIDUAL WHO HAS NO OTHER CHARGES
8 PENDING IN ANY JURISDICTION IS SENTENCED TO THE CUSTODY OF THE WARDEN
9 OF THE KENT COUNTY DETENTION CENTER, THE COURT MAY, AT THE TIME OF
10 SENTENCING OR AT ANY TIME DURING THE INDIVIDUAL'S INCARCERATION,
11 PRESCRIBE THAT THE INDIVIDUAL MAY PARTICIPATE IN ANY OF THE PROGRAMS
12 ESTABLISHED UNDER THIS SECTION.

13 (E) AN INDIVIDUAL WHO HAS BEEN DESIGNATED TO PARTICIPATE IN ANY OF
14 THE PROGRAMS LISTED UNDER SUBSECTION (A) OF THIS SECTION MAY BE
15 GRANTED THE PRIVILEGE OF LEAVING THE KENT COUNTY DETENTION CENTER TO:

16 (1) CONTINUE THE INDIVIDUAL'S REGULAR EMPLOYMENT; OR

17 (2) SEEK NEW EMPLOYMENT.

18 (F) (1) THE INCOME OF AN INDIVIDUAL WHO HAS BEEN DESIGNATED TO
19 PARTICIPATE IN A WORK RELEASE PROGRAM, LESS PAYROLL DEDUCTIONS
20 REQUIRED BY LAW, SHALL BE COLLECTED BY OR SURRENDERED TO THE WARDEN
21 OR THE WARDEN'S DESIGNEE.

22 (2) FROM THE INCOME OF THE INDIVIDUAL, THE WARDEN SHALL
23 DEDUCT AND DISBURSE THE FOLLOWING:

24 (I) THE AMOUNT DETERMINED BY THE WARDEN TO BE THE
25 COUNTY'S COST FOR PROVIDING FOOD, LODGING, AND CLOTHING FOR THE
26 INDIVIDUAL;

27 (II) ACTUAL AND NECESSARY FOOD, TRAVEL, AND OTHER
28 EXPENSES INCURRED BY THE COUNTY INCIDENTAL TO THE INDIVIDUAL'S
29 PARTICIPATION IN THE PROGRAM;

30 (III) ANY AMOUNTS IMPOSED BY THE COURT FOR FINES, COSTS,
31 AND RESTITUTIONS;

32 (IV) ANY AMOUNT THAT THE INDIVIDUAL MAY BE LEGALLY
33 OBLIGATED TO PAY, OR REASONABLY WANTS TO PAY, FOR SUPPORT OF
34 DEPENDENTS; AND

35 (V) IF APPLICABLE AND IF ORDERED BY THE COURT, REPAYMENT
36 TO THE STATE OR TO THE COUNTY FOR THE SERVICES OF A COURT APPOINTED
37 ATTORNEY.

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1 (3) THE WARDEN SHALL CREDIT ANY REMAINING BALANCE TO THE
2 INDIVIDUAL'S ACCOUNT, WITH DISPOSITION AS REASONABLY REQUESTED BY THE
3 INDIVIDUAL AND APPROVED BY THE WARDEN.

4 (G) (1) IN THIS SUBSECTION, "WEEKEND PRISONER" MEANS A PRISONER
5 SENTENCED TO THE KENT COUNTY DETENTION CENTER FOR NONCONSECUTIVE
6 PERIODS OF 48 HOURS OR LESS.

7 (2) (I) KENT COUNTY MAY COLLECT FROM A WEEKEND PRISONER AN
8 AMOUNT DETERMINED TO BE THE AVERAGE COST TO THE COUNTY OF PROVIDING
9 FOOD, LODGING, AND CLOTHING FOR THE PRISONER.

10 (II) THE COURT MAY WAIVE ANY OR ALL OF THIS CHARGE.

11 (H) (1) IN THE EVENT OF ANY VIOLATION OF TRUST OR CONDITIONS
12 PRESCRIBED BY THE COURT OR THE KENT COUNTY DETENTION CENTER, FOR
13 CONDUCT AND EMPLOYMENT, A PRISONER MAY BE REMOVED FROM THE
14 PROGRAMS LISTED UNDER SUBSECTION (A) OF THIS SECTION AND ANY EARNED
15 DIMINUTION MAY BE CANCELED. FAILURE OF A PRISONER TO COMPLY WITH THE
16 TERMS OF HIS AUTHORIZATION FOR LEAVE SHALL BE CONSIDERED AS A
17 VIOLATION OF THE PROVISIONS OF § 139 OF THIS ARTICLE.

18 (2) IF A CONDITION IMPOSED ON A PRISONER BY A COURT IS
19 INCONSISTENT WITH A REGULATION ADOPTED UNDER THIS SECTION, THE
20 JUDICIALLY IMPOSED CONDITION CONTROLS AS TO THAT PRISONER.

21 (3) IF A TRUST OR CONDITION IS VIOLATED, THE SENTENCING COURT
22 SHALL BE NOTIFIED IN WRITING BY THE KENT COUNTY DETENTION CENTER.

23 (I) (1) THE WARDEN OF THE KENT COUNTY DETENTION CENTER OR THE
24 WARDEN'S DESIGNEE MAY AUTHORIZE COMPASSIONATE LEAVE UNDER THIS
25 SUBSECTION FOR ANY PRISONER COMMITTED TO THE KENT COUNTY DETENTION
26 CENTER.

27 (2) COMPASSIONATE LEAVE FOR A PRISONER MAY BE AUTHORIZED
28 ONLY FOR THE PURPOSE OF VISITING A SERIOUSLY ILL MEMBER OF THE
29 PRISONER'S IMMEDIATE FAMILY OR ATTENDING THE VIEWING OR FUNERAL OF A
30 MEMBER OF THE PRISONER'S IMMEDIATE FAMILY.

31 (3) THE WARDEN SHALL ADOPT REGULATIONS AS NECESSARY TO
32 CARRY OUT THE PROVISIONS OF THIS SUBSECTION.

33 (4) FAILURE TO COMPLY WITH THE TERMS OF AN AUTHORIZATION FOR
34 COMPASSIONATE LEAVE UNDER THIS SECTION SHALL BE CONSIDERED AS A
35 VIOLATION OF THE PROVISIONS OF SUBSECTION (F) OF THIS SECTION.

36 (5) A PRISONER WHO IS GRANTED LEAVE UNDER THIS SUBSECTION
37 MAY BE REQUIRED TO REIMBURSE THE KENT COUNTY DETENTION CENTER FOR
38 ANY EXPENSES INCURRED BY THE DEPARTMENT IN GRANTING THE LEAVE.

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