
By: Delegate Walkup

Introduced and read first time: January 31, 1996

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 20, 1996

CHAPTER ____

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.

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1 (b) The Kent County Commissioners shall:

2 (1) Establish a reasonable per diem rate for food, lodging, and clothing; and

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

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

7 (I) PRETRIAL RELEASE;

8 (II) WORK RELEASE;

9 (III) COMMUNITY SERVICE; AND

10 (IV) HOME DETENTION.

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

13 (D) IN KENT COUNTY, WHEN AN INDIVIDUAL WHO HAS NO OTHER CHARGES
14 PENDING IN ANY JURISDICTION IS SENTENCED TO THE CUSTODY OF THE WARDEN
15 OF THE KENT COUNTY DETENTION CENTER, THE COURT MAY, AT THE TIME OF
16 SENTENCING OR AT ANY TIME DURING THE INDIVIDUAL'S INCARCERATION,
17 PRESCRIBE THAT THE INDIVIDUAL MAY PARTICIPATE IN ANY OF THE PROGRAMS
18 ESTABLISHED UNDER THIS SECTION.

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

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

23 (2) SEEK NEW EMPLOYMENT; OR

24 (3) RECEIVE THERAPY FOR DRUG OR ALCOHOL ADDICTION.

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

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

31 (I) THE AMOUNT DETERMINED BY THE WARDEN TO BE THE
32 COUNTY'S COST FOR PROVIDING FOOD, LODGING, AND CLOTHING FOR THE
33 INDIVIDUAL;

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

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

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

6 (V) IF APPLICABLE AND IF ORDERED BY THE COURT, REPAYMENT
7 TO THE STATE OR TO THE COUNTY FOR THE SERVICES OF A COURT APPOINTED
8 ATTORNEY.

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

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

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

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

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

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

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

31 (I) (1) THE WARDEN OF THE KENT COUNTY DETENTION CENTER OR THE
32 WARDEN'S DESIGNEE MAY AUTHORIZE COMPASSIONATE LEAVE UNDER THIS
33 SUBSECTION FOR ANY PRISONER COMMITTED TO THE KENT COUNTY DETENTION
34 CENTER.

35 (2) COMPASSIONATE LEAVE FOR A PRISONER MAY BE AUTHORIZED
36 ONLY FOR THE PURPOSE OF VISITING A SERIOUSLY ILL MEMBER OF THE
37 PRISONER'S IMMEDIATE FAMILY OR ATTENDING ~~THE~~ A VIEWING OR FUNERAL OF A
38 MEMBER OF THE PRISONER'S IMMEDIATE FAMILY.

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

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1 (4) FAILURE TO COMPLY WITH THE TERMS OF AN AUTHORIZATION FOR
2 COMPASSIONATE LEAVE UNDER THIS SECTION SHALL BE CONSIDERED AS A
3 VIOLATION ~~OF THE PROVISIONS OF SUBSECTION (F)~~ UNDER SUBSECTION (H) OF THIS
4 SECTION.

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

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