
By: Delegates Muse and C. Mitchell

Introduced and read first time: February 7, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Work-Release Eligibility - Felons**

3 FOR the purpose of making prisoners who have been convicted of a felony ineligible for
4 a work-release program; making this Act applicable to persons convicted of
5 offenses committed after a certain date; and generally relating to work-release
6 eligibility for prisoners.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 700A(a) and (b)
10 Annotated Code of Maryland
11 (1992 Replacement Volume and 1995 Supplement)

12 BY adding to
13 Article 27 - Crimes and Punishments
14 Section 700A(a-1)
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 700A.

21 (a) [The] SUBJECT TO SUBSECTION (A-1) OF THIS SECTION, THE Department
22 of Correction is authorized to establish a "work-release" program under which prisoners
23 sentenced to the jurisdiction of the Department may be granted the privilege of leaving
24 actual confinement during necessary and reasonable hours for the purpose of working at
25 gainful private or public employment or attending school as part of a work-release
26 program. Such program may also include, under appropriate conditions, releases for the
27 purpose of seeking such employment.

28 (A-1) A PRISONER WHO HAS BEEN CONVICTED OF A FELONY MAY NOT
29 PARTICIPATE IN A WORK-RELEASE PROGRAM.

1 (b) A prisoner eligible to participate in the "work-release" program in accordance
2 with [the preceding subsection] SUBSECTIONS (A) AND (A-1) OF THIS SECTION may
3 make application to the warden or superintendent of the institution in which he is
4 confined for permission to participate in such program. The application shall include a
5 statement by the prisoner that he agrees to abide by all terms and conditions of the
6 particular plan adopted for him by the Commissioner of Correction or his designee if such
7 application is approved, shall state the name and address of the proposed employer, if
8 any, or of the proposed school training program, if any, and shall contain such other
9 information as the Department or the Commissioner may require, including the
10 prisoner's agreement to waive his right to contest extradition proceedings. The warden or
11 superintendent may, in his discretion, recommend such application to the Commissioner.
12 The Commissioner or his designee may approve, disapprove, or defer action on said
13 recommendation. In the event of approval the Commissioner or his designee shall adopt
14 a "work-release plan" for such prisoner which shall contain such terms and conditions as
15 may be necessary and proper; and such plan shall be signed by the prisoner prior to his
16 participation in the program. At any time after approval has been granted, it may be
17 revoked for any reason by the Commissioner.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act
19 shall be construed prospectively to apply only to persons who are convicted of offenses
20 that are committed after the effective date of this Act and may not be applied or
21 interpreted to have any effect on or application to persons who are convicted of offenses
22 that were committed before the effective date of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 1996.