
By: Delegate Bissett

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Home Detention Program - Bail Bonds**

3 FOR the purpose of authorizing the Commissioner of Correction to require an inmate to
4 post a bail bond as a condition of accepting the inmate into a home detention
5 program; establishing the condition of a bail bond issued under this Act; providing
6 for the procedures for the forfeiture and discharge of a bail bond issued under this
7 Act; including forfeiture of the bail bond within the penalties for conviction of
8 violating any condition of the inmate's placement in a home detention program;
9 defining a certain term; and generally relating to the issuance of bail bonds to
10 inmates in home detention programs.

11 BY repealing and reenacting, with amendments,
12 Article 27 - Crimes and Punishments
13 Section 689A
14 Annotated Code of Maryland
15 (1996 Replacement Volume)

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

18 **Article 27 - Crimes and Punishments**

19 689A.

20 (a) (1) In this subheading the following words have the meanings indicated.

21 (2) "Commissioner" means the Commissioner of Correction.

22 (3) "Division" means the Division of Correction.

23 (4) "Program" means a home detention program established under this
24 subheading.

25 (5) "Secretary" means the Secretary of Public Safety and Correctional
26 Services.

27 (b) With the approval of the Secretary, the Commissioner may establish a home
28 detention program under which inmates committed to the custody of the Commissioner

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1 may be permitted to live in a private dwelling approved by the Commissioner or the
2 Commissioner's designee.

3 (c) Inmates in the program shall be supervised by means of:

4 (1) Electronic devices; and

5 (2) Direct contact by employees of the Division.

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

7 (1) Is serving a life sentence;

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

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

12 (ii) The inmate is within 90 days of release on parole or mandatory
13 supervision; or

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

15 (i) Child abuse under § 35C of this article; or

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

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

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

19 (2) With the approval of the Commissioner or the Commissioner's designee;
20 and

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

24 (f) While in the program, an inmate must remain in the inmate's approved
25 dwelling except:

26 (1) With prior approval of the program administrator, to go directly to and
27 from:

28 (i) The inmate's approved place of employment;

29 (ii) Medical or mental health treatment; or

30 (iii) Offices of the Department of Public Safety and Correctional
31 Services.

32 (2) As required by legitimate medical or other emergencies; or

33 (3) As otherwise permitted or directed by the program administrator.

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1 (g) (1) An inmate in the program shall be responsible for all the inmate's living
2 expenses, including those for food, clothing, shelter, and utilities.

3 (2) Unless otherwise permitted by the Commissioner or the Commissioner's
4 designee, as a condition of participation in the program, an inmate shall make court
5 ordered payments for the support of dependents.

6 (h) (1) The Division shall determine the amount of reasonable payments to
7 satisfy court ordered restitution owed by an inmate in the program and shall collect and
8 disburse the payments.

9 (2) (i) The Division shall determine the amount of, and collect from
10 inmates in the program, a reasonable fee for the cost of electronic supervision.

11 (ii) The Division may exempt an inmate in whole or in part from
12 payment for the cost of electronic monitoring if the Division determines that the inmate
13 cannot afford to pay.

14 (H-1) (1) IN THIS SUBSECTION, "BAIL BOND" MEANS A WRITTEN OBLIGATION
15 OF AN INMATE, WITH OR WITHOUT SURETY OR COLLATERAL SECURITY,
16 CONDITIONED ON THE INMATE'S ADHERENCE TO ANY CONDITIONS OF THE
17 PROGRAM AS REQUIRED AND PROVIDING FOR THE PAYMENT OF A PENALTY SUM
18 ACCORDING TO ITS TERMS.

19 (2) THE COMMISSIONER MAY REQUIRE AN INMATE TO POST A BAIL
20 BOND, IN AN AMOUNT TO BE DETERMINED BY THE COMMISSIONER, AS A
21 CONDITION OF ACCEPTING THE INMATE INTO THE PROGRAM.

22 (3) THE CONDITION OF A BAIL BOND TAKEN UNDER PARAGRAPH (2) OF
23 THIS SUBSECTION IS THAT THE INMATE COMPLY WITH ANY AND ALL CONDITIONS
24 IMPOSED BY THE COMMISSIONER AND SUCCESSFULLY COMPLETE THE PROGRAM AS
25 DIRECTED.

26 (4) THE PROCEDURES FOR FORFEITURE AND DISCHARGE OF A BAIL
27 BOND ISSUED UNDER THIS SUBSECTION SHALL BE AS PROVIDED UNDER THE
28 MARYLAND RULES AND SHALL BE CONSTRUED AND APPLIED WITH REGARD TO THE
29 CONDITION DESCRIBED IN PARAGRAPH (3) OF THIS SUBSECTION.

30 (i) (1) (i) An inmate who willfully violates the conditions of the inmate's
31 placement in the program is guilty of a misdemeanor and on conviction is subject to
32 imprisonment not exceeding 1 year.

33 (ii) Notwithstanding the provisions of § 690(c) of this article, a
34 sentence under this subsection may be to the jurisdiction of the Division of Correction.

35 (2) An inmate who commits a misdemeanor or a felony has violated the
36 conditions of the inmate's placement in the program.

37 (3) An inmate who willfully violates subsection (f) of this section is guilty of
38 escape and on conviction may be punished under § 139 of this article.

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1 (4) ON CONVICTION OF VIOLATING ANY CONDITION OF THE INMATE'S
2 PLACEMENT IN THE PROGRAM, ANY BAIL BOND ISSUED UNDER SUBSECTION (H-1)
3 OF THIS SECTION SHALL BE IMMEDIATELY FORFEITED.

4 (j) (1) Inmates in the program are not the agents or employees of the Division.

5 (2) Article 41, § 4-701 of the Code does not apply to injuries sustained
6 during private employment by inmates in the program.

7 (k) An inmate's participation in the program does not affect the inmate's
8 eligibility for parole, diminution of confinement credits, or other privileges available by
9 law or regulation to inmates admitted to the custody of the Commissioner.

10 (l) (1) The Commissioner shall employ correctional employees to monitor and
11 provide security for inmates in the program.

12 (2) The correctional employees designated to monitor inmates in the
13 program:

14 (i) May obtain and execute search warrants as authorized by § 689B of
15 this subheading; and

16 (ii) Have the power to make arrests as authorized by § 594B of this
17 article.

18 (m) The correctional employees empowered to make arrests under this section
19 shall meet the minimum qualifications required and satisfactorily complete the training
20 prescribed by the Maryland Police Training Commission.

21 (n) The Commissioner, or the Commissioner's designee, may remove an inmate
22 from the program at any time and for any reason.

23 (o) (1) With the approval of the Secretary, the Commissioner shall adopt
24 reasonable regulations to implement the program.

25 (2) Notwithstanding the provisions of § 10-101(g)(2)(i) of the State
26 Government Article the regulations shall be adopted under Title 10, Subtitle 1 of the
27 State Government Article.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1997.