
By: Senator Colburn

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Caroline County - Prisoner Rehabilitation - Restitution Payments**

3 FOR the purpose of authorizing the Administrator of Caroline County detention facilities
4 to establish certain programs and eligibility criteria for the rehabilitation and
5 training of individuals sentenced to imprisonment in a County facility; requiring the
6 Administrator to adopt rules and regulations to conduct any program; providing
7 certain sanctions for prisoners who violate certain rules or regulations; requiring the
8 Administrator to collect certain earnings of prisoners and to pay certain costs from
9 those earnings; providing for the status of prisoners while on release; authorizing a
10 judge to require certain individuals to participate in certain programs; repealing
11 certain provisions requiring prisoners incarcerated in the Caroline County jail to
12 make restitution payments for food, lodging, and clothing; and generally relating to
13 Caroline County detention facilities and prisoners.

14 BY repealing and reenacting, with amendments,
15 Article 27 - Crimes and Punishments
16 Section 645Y and 645AA
17 Annotated Code of Maryland
18 (1996 Replacement Volume)

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

21 **Article 27 - Crimes and Punishments**

22 645Y.

23 (a) (1) In this section, the following words have the meanings indicated.

24 (2) "Administrator" means:

25 (I) [the] THE Administrator of Anne Arundel County detention
26 facilities;

27 (II) THE ADMINISTRATOR OF CAROLINE COUNTY DETENTION
28 FACILITIES; or[,]

29 (III) [unless]UNLESS the context requires otherwise, the
30 [Administrator's] designee OF THE ADMINISTRATOR OF ANNE ARUNDEL COUNTY

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1 DETENTION FACILITIES OR ADMINISTRATOR OF CAROLINE COUNTY DETENTION
2 FACILITIES.

3 (3) "COUNTY" MEANS ANNE ARUNDEL COUNTY OR CAROLINE COUNTY.

4 (4) "Participant" means any convicted individual who participates in any
5 program under this section.

6 [(4)] (5) "Program" means, unless the context requires otherwise, any
7 rehabilitation or work program established and conducted under this section.

8 (b) THIS SECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY AND CAROLINE
9 COUNTY.

10 (C) (1) If any provision of this section is inconsistent with any other provision in
11 the Code, the provisions of this section control.

12 (2) The privileges and penalties set out in subsections [(c)] (D)(5) and
13 [(c)] (D)(6) of this section are the exclusive privileges and penalties relating to the length
14 of sentence of any participant in any program.

15 [(c)] (D) The Administrator may:

16 (1) Establish for the rehabilitation and training of any individual sentenced
17 to imprisonment at any [Anne Arundel] County detention facility any program that
18 enables any prisoner to:

19 (i) Attend any vocational or educational institution in the County;

20 (ii) Work at gainful private employment in the County; or

21 (iii) Participate in any other training or rehabilitation program in the
22 County;

23 (2) Establish eligibility criteria for participation in any program;

24 (3) Release any eligible prisoner from actual confinement to participate in
25 any program;

26 (4) Establish any other training or rehabilitation program;

27 (5) Reduce any participant's sentence 1 day for each day the participant:

28 (i) Performs with exceptional industry, application, and skill any
29 industrial, agricultural, or administrative task assigned to the participant; or

30 (ii) Performs with satisfactory industry, application, and progress in
31 any program to which the participant is assigned; and

32 (6) After an administrative hearing, cancel any reduction in sentence earned
33 by any participant who violates any rule or regulation adopted under this section.

34 [(d)] (E) (1) The Administrator shall adopt rules and regulations to conduct
35 any program. In adopting the rules and regulations, the Administrator shall consider:

36 (i) The safety of the public; and

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1 (ii) The security of any [Anne Arundel] County detention facility.

2 (2) If any condition of sentence imposed on a prisoner by a judge is
3 inconsistent with any rule or regulation adopted under this section, the judicially imposed
4 condition controls as to that prisoner.

5 [(e)] (F) Any prisoner who violates any provision of or fails to perform any duty
6 imposed by a rule or regulation adopted under this section is subject to:

7 (1) Removal from the program;

8 (2) After an administrative hearing, cancellation of any earned diminution
9 of sentence; and

10 (3) For wilfull failure to return to the assigned detention facility in violation
11 of any rule or regulation adopted under this subsection, prosecution under § 139 of this
12 article.

13 [(f)] (G) (1) The Administrator or his designee shall collect each participant's
14 total earnings, less payroll deductions. From the earnings, the Administrator or his
15 designee shall pay:

16 (i) The cost to the County of providing food, lodging, and clothing for
17 the participant;

18 (ii) The food, travel, and other expenses of the participant incidental
19 to participation in the program;

20 (iii) Voluntary or court ordered payments for support of dependents;

21 (iv) Court ordered costs and fines;

22 (v) Repayment to this State for court appointed counsel;

23 (vi) If ordered by the court, repayment to this State for the services of
24 the public defender; and

25 (vii) Court ordered restitution payments.

26 (2) Any balance shall be credited to the participant's account and be
27 disposed of as requested by the participant, with the approval of the Administrator.

28 [(g)] (H) While released from confinement under the terms of any program, a
29 prisoner is not an agent, employee, or servant of [Anne Arundel] THE County.

30 [(h)] (I) While not released from confinement under the terms of any program,
31 each prisoner shall be confined in [an Anne Arundel] A County detention facility.

32 [(i)] (J) (1) Whenever any individual is convicted of a crime in [Anne
33 Arundel] THE County for which the court may assess a fine, court costs, or both, the
34 judge may require the individual in satisfaction of the penalty to participate in a work
35 program established under the jurisdiction of the local office of the Division of Parole and
36 Probation.

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1 (2) Any individual participating in this program shall receive a credit of at
2 least the federal minimum wage per hour towards the original fine and court costs
3 imposed by the court.

4 645AA.

5 (a) Prisoners incarcerated in the Worcester County jail [or the Caroline County
6 jail] who are employed under the provisions of § 645K of this article shall be required to
7 pay court ordered restitution payments and the cost of their own food, lodging, and
8 clothing while in the jail.

9 (b) [In their respective counties, the] THE Worcester County Commissioners
10 [and the Caroline County Commissioners] shall:

11 (1) Establish the per diem rate for food, lodging, and clothing; and

12 (2) Designate an agent to collect the costs described in this section.

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