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**By: Senator Colburn**

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 18, 1997

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CHAPTER \_\_\_\_

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:

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1 (I) [the] THE Administrator of Anne Arundel County detention  
2 facilities;

3 (II) THE ADMINISTRATOR OF CAROLINE COUNTY DETENTION  
4 FACILITIES; or[,]

5 (III) [unless] UNLESS the context requires otherwise, the  
6 [Administrator's] designee OF THE ADMINISTRATOR OF ANNE ARUNDEL COUNTY  
7 DETENTION FACILITIES OR ADMINISTRATOR OF CAROLINE COUNTY DETENTION  
8 FACILITIES.

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

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

12 [(4)] (5) "Program" means, unless the context requires otherwise, any  
13 rehabilitation or work program established and conducted under this section.

14 (b) THIS SECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY AND CAROLINE  
15 COUNTY.

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

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

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

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

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

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

27 (iii) Participate in any other training or rehabilitation program in the  
28 County;

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

30 (3) Release any eligible prisoner from actual confinement to participate in  
31 any program;

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

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

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

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

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

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

7 (i) The safety of the public; and

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

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

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

14 (1) Removal from the program;

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

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

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

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

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

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

28 (iv) Court ordered costs and fines;

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

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

32 (vii) Court ordered restitution payments.

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

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

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

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

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

11 645AA.

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

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

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

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

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