

**HOUSE BILL 434**  
**EMERGENCY BILL**

Unofficial Copy  
E4

1998 Regular Session  
8lr0893

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By: **Delegates Schisler, Eckardt, Walkup, W. Baker, and Guns**

Introduced and read first time: February 4, 1998

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Caroline County - Prisoner Training and Rehabilitation Programs**

3 FOR the purpose of authorizing the Superintendent of detention facilities in Caroline  
4 County to establish certain training or rehabilitation programs under certain  
5 conditions for individuals sentenced to imprisonment at a County detention  
6 facility; authorizing certain prisoners in Caroline County detention facilities to  
7 work at gainful private employment under certain conditions; authorizing the  
8 Superintendent to reduce the sentence of certain prisoners by a certain amount  
9 under certain conditions; prohibiting the participation in work programs by  
10 certain prisoners; requiring the Superintendent to adopt regulations to  
11 implement this Act; providing certain penalties for prisoners who violate certain  
12 provisions of this Act or who fail to perform certain duties; requiring the  
13 Superintendent to collect the total earnings from certain prisoners to pay  
14 certain costs; requiring the Caroline County Commissioners to establish certain  
15 costs; requiring certain prisoners to be confined in a County detention facility  
16 during certain times; authorizing a judge to require certain individuals to  
17 participate in certain work programs under certain conditions; requiring certain  
18 prisoners to receive certain credits; defining certain terms; making this Act an  
19 emergency measure; providing for the application of this Act; and generally  
20 relating to prisoner training and rehabilitation programs in Caroline County.

21 BY adding to

22 Article 27 - Crimes and Punishments

23 Section 645ZC

24 Annotated Code of Maryland

25 (1996 Replacement Volume and 1997 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article 27 - Crimes and Punishments

28 Section 645AA and 704A

29 Annotated Code of Maryland

30 (1996 Replacement Volume and 1997 Supplement)

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

3 **Article 27 - Crimes and Punishments**

4 645ZC.

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (2) "SUPERINTENDENT" MEANS THE SUPERINTENDENT OF COUNTY  
8 DETENTION FACILITIES, OR, UNLESS THE CONTEXT REQUIRES OTHERWISE, THE  
9 SUPERINTENDENT'S DESIGNEE.

10 (3) "COUNTY" MEANS CAROLINE COUNTY.

11 (4) "PARTICIPANT" MEANS A CONVICTED INDIVIDUAL WHO  
12 PARTICIPATES IN A PROGRAM UNDER THIS SECTION.

13 (5) "PROGRAM" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A  
14 REHABILITATION OR WORK PROGRAM ESTABLISHED AND CONDUCTED UNDER THIS  
15 SECTION.

16 (B) (1) IF A PROVISION OF THIS SECTION IS INCONSISTENT WITH ANOTHER  
17 PROVISION IN THE CODE, THE PROVISION OF THIS SECTION CONTROLS.

18 (2) THE PRIVILEGES AND PENALTIES SET OUT IN SUBSECTION (C)(5)  
19 AND (6) OF THIS SECTION ARE THE EXCLUSIVE PRIVILEGES AND PENALTIES  
20 RELATING TO THE LENGTH OF SENTENCE OF A PARTICIPANT IN A PROGRAM.

21 (C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE  
22 SUPERINTENDENT:

23 (I) TO REHABILITATE AND TRAIN AN INDIVIDUAL SENTENCED TO  
24 IMPRISONMENT AT A COUNTY DETENTION FACILITY, MAY ESTABLISH A PROGRAM  
25 THAT ENABLES THE INDIVIDUAL TO:

26 1. ATTEND AN EDUCATIONAL INSTITUTION IN A COUNTY  
27 DETENTION FACILITY;

28 2. WORK AT GAINFUL PRIVATE EMPLOYMENT; OR

29 3. PARTICIPATE IN ANOTHER TRAINING OR  
30 REHABILITATION PROGRAM IN A COUNTY DETENTION FACILITY;

31 (II) MAY ESTABLISH ELIGIBILITY CRITERIA FOR PARTICIPATION IN  
32 A PROGRAM;

1 (III) SUBJECT TO § 645K OF THIS SUBHEADING, MAY RELEASE AN  
2 ELIGIBLE INDIVIDUAL FROM ACTUAL CONFINEMENT TO PARTICIPATE IN A WORK  
3 PROGRAM UNDER THIS SECTION;

4 (IV) MAY ESTABLISH ANOTHER TRAINING OR REHABILITATION  
5 PROGRAM IN A COUNTY DETENTION FACILITY;

6 (V) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MAY  
7 REDUCE A PARTICIPANT'S SENTENCE BY TWO-THIRDS OF 1 DAY FOR EACH DAY THAT  
8 THE PARTICIPANT:

9 1. PERFORMS WITH EXCEPTIONAL INDUSTRY, APPLICATION,  
10 AND SKILL AN INDUSTRIAL, AGRICULTURAL, OR ADMINISTRATIVE TASK ASSIGNED  
11 TO THE PARTICIPANT; OR

12 2. PERFORMS WITH SATISFACTORY INDUSTRY,  
13 APPLICATION, AND PROGRESS IN A PROGRAM TO WHICH THE PARTICIPANT IS  
14 ASSIGNED; AND

15 (VI) AFTER AN ADMINISTRATIVE HEARING, MAY CANCEL A  
16 REDUCTION IN SENTENCE EARNED BY A PARTICIPANT WHO VIOLATES A  
17 REGULATION ADOPTED UNDER THIS SECTION.

18 (2) IF A PARTICIPANT'S TOTAL REDUCTION IN SENTENCE INCLUDES A  
19 FRACTION OF A DAY, THE PARTICIPANT SHALL BE CREDITED WITH A FULL DAY'S  
20 REDUCTION FOR THAT FRACTION.

21 (D) (1) AN INDIVIDUAL IS NOT ELIGIBLE FOR RELEASE FROM  
22 CONFINEMENT FOR A WORK PROGRAM IF THE INDIVIDUAL IS SERVING A SENTENCE  
23 FOR A CRIME OF VIOLENCE AS DEFINED IN § 643B OF THIS ARTICLE OR OF CAUSING  
24 ABUSE TO A CHILD UNDER § 35C OF THIS ARTICLE.

25 (2) AN INDIVIDUAL MAY NOT RECEIVE A REDUCTION IN SENTENCE  
26 UNDER THIS SECTION WHILE THE INDIVIDUAL RECEIVES DIMINUTION CREDITS  
27 UNDER § 704A OF THIS ARTICLE.

28 (E) (1) THE SUPERINTENDENT SHALL ADOPT REGULATIONS TO IMPLEMENT  
29 THIS SECTION.

30 (2) IN ADOPTING THE REGULATIONS, THE SUPERINTENDENT SHALL  
31 CONSIDER THE SAFETY OF THE PUBLIC AND THE SECURITY OF EACH COUNTY  
32 DETENTION FACILITY.

33 (3) A CONDITION OF SENTENCE IMPOSED ON A PARTICIPANT BY A  
34 JUDGE PREEMPTS ANY REGULATION ADOPTED UNDER THIS SECTION.

35 (F) A PARTICIPANT WHO VIOLATES A PROVISION OF OR FAILS TO PERFORM A  
36 DUTY IMPOSED BY A REGULATION ADOPTED UNDER THIS SECTION IS SUBJECT TO:

37 (1) REMOVAL FROM THE PROGRAM;

1 (2) CANCELLATION OF ANY EARNED DIMINUTION OF SENTENCE AFTER  
2 AN ADMINISTRATIVE HEARING; OR

3 (3) PROSECUTION UNDER § 139 OF THIS ARTICLE FOR WILLFUL FAILURE  
4 TO RETURN TO THE ASSIGNED DETENTION FACILITY IN VIOLATION OF A  
5 REGULATION ADOPTED UNDER THIS SECTION.

6 (G) (1) THE SUPERINTENDENT SHALL COLLECT EACH PARTICIPANT'S  
7 TOTAL EARNINGS, LESS PAYROLL DEDUCTIONS.

8 (2) FROM THE EARNINGS, THE SUPERINTENDENT SHALL PAY:

9 (I) THE COST TO THE COUNTY OF PROVIDING FOOD, LODGING,  
10 AND CLOTHING FOR THE PARTICIPANT;

11 (II) THE FOOD, TRAVEL, AND OTHER EXPENSES OF THE  
12 PARTICIPANT INCIDENTAL TO PARTICIPATION IN THE PROGRAM;

13 (III) VOLUNTARY OR COURT ORDERED PAYMENTS FOR SUPPORT OF  
14 DEPENDENTS;

15 (IV) COURT ORDERED COSTS AND FINES;

16 (V) THE COST TO THE STATE OF COURT-APPOINTED COUNSEL;

17 (VI) IF ORDERED BY THE COURT, THE COST TO THE STATE OF THE  
18 SERVICES OF THE PUBLIC DEFENDER; AND

19 (VII) IF ORDERED BY THE COURT, RESTITUTION PAYMENTS.

20 (3) THE COUNTY COMMISSIONERS SHALL ESTABLISH THE PER DIEM  
21 RATE FOR FOOD, LODGING, AND CLOTHING.

22 (4) ON APPROVAL OF THE SUPERINTENDENT, ANY BALANCE  
23 REMAINING AFTER THE ITEMS UNDER PARAGRAPH (2) OF THIS SUBSECTION ARE  
24 PAID SHALL BE CREDITED TO THE PARTICIPANT'S ACCOUNT AND BE DISPOSED OF AS  
25 THE PARTICIPANT REQUESTS.

26 (H) WHEN RELEASED FROM CONFINEMENT UNDER THE TERMS OF A  
27 PROGRAM, A PARTICIPANT IS NOT AN AGENT, EMPLOYEE, OR SERVANT OF THE  
28 COUNTY.

29 (I) WHEN NOT RELEASED FROM CONFINEMENT UNDER THE TERMS OF A  
30 PROGRAM, EACH PARTICIPANT SHALL BE CONFINED IN A COUNTY DETENTION  
31 FACILITY.

32 (J) (1) WHEN AN INDIVIDUAL IS CONVICTED OF A CRIME IN THE COUNTY  
33 FOR WHICH THE COURT MAY ASSESS A FINE, COURT COSTS, OR BOTH, THE JUDGE  
34 MAY REQUIRE THE INDIVIDUAL, IN SATISFACTION OF THE PENALTY, TO  
35 PARTICIPATE IN A WORK PROGRAM ESTABLISHED UNDER THE JURISDICTION OF THE  
36 LOCAL OFFICE OF THE DIVISION OF PAROLE AND PROBATION.

1 (2) A PARTICIPANT SHALL RECEIVE A CREDIT OF AT LEAST THE  
2 FEDERAL MINIMUM WAGE PER HOUR TOWARD THE ORIGINAL FINE AND COURT  
3 COSTS THAT THE COURT IMPOSES.

4 645AA.

5 (a) Prisoners incarcerated in the Worcester County jail [or the Caroline  
6 County jail] who are employed under the provisions of § 645K of this article shall be  
7 required to pay court ordered restitution payments and the cost of their own food,  
8 lodging, and 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 704A.

14 (a) In this section "local detention center" means a county or town jail, work  
15 release or prerelease center, the Baltimore City Detention Center, or any correctional  
16 facility operated by one or more counties for the purpose of adult detention and  
17 confinement.

18 (B) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO IS SENTENCED  
19 TO IMPRISONMENT AT A CAROLINE COUNTY DETENTION FACILITY WHILE THE  
20 INDIVIDUAL RECEIVES A REDUCTION IN SENTENCE UNDER § 645ZC OF THIS ARTICLE.

21 [(b)] (C) An inmate sentenced to or held in a pre-trial or pre-sentence status  
22 in a local detention center is entitled to a diminution of the period of his or her  
23 confinement in accordance with the provisions of this section.

24 [(c)] (D) For each calendar month during which the inmate is not guilty of a  
25 violation of applicable rules of discipline and labors with diligence and fidelity when  
26 the opportunity for labor is made available, the inmate shall be allowed a deduction of  
27 5 days from the period of the commitment or sentence. These deductions:

28 (1) Shall commence on the day the inmate arrived at the local detention  
29 center;

30 (2) Shall be made on a prorated basis for any portion of a calendar month  
31 during which the inmate was committed to the local detention center; and

32 (3) Shall cease upon release or commitment to the custody of the  
33 Commissioner.

34 [(d)] (E) (1) Subject to the inmate's future good conduct, each inmate  
35 sentenced to a local detention center shall be allowed an initial deduction from the  
36 period of the commitment or sentence.

1           (2)       This deduction shall be calculated at the rate of 5 days for each  
2 calendar month, and on a prorated basis for any portion of a calendar month, within  
3 the period between the first day of commitment to the custody of the local detention  
4 center and the last day of the inmate's maximum term of confinement.

5       [(e)] (F) For each calendar month during which the inmate has manifested  
6 exceptional industry, application, and skill in the performance of any industrial,  
7 agricultural, or administrative tasks assigned to the inmate, or where he or she has  
8 manifested satisfactory industry, application, and progress in any vocational or other  
9 educational and training courses, the inmate may be allowed an additional deduction  
10 of 5 days from the period of his or her commitment or sentence. These deductions:

11           (1)       Shall commence on the first day that the task is performed or the  
12 course is taken;

13           (2)       Shall be made on a prorated basis for any portion of a calendar month  
14 during which the inmate performed the task or attended the course; and

15           (3)       Shall cease upon release or commitment of the inmate to the custody  
16 of the Commissioner.

17       [(f)] (G) For each calendar month or fraction thereof commencing on the first  
18 day of assignment, during which the inmate has manifested satisfactory industry,  
19 application, and progress in special selected work projects, or other special programs,  
20 he or she may be allowed an additional deduction of days, not exceeding 5 in number,  
21 from the period of his or her commitment or sentence. Such projects and programs  
22 shall be designated by the managing officer of the local detention center.

23       [(g)] (H) For each and every violation of the rules of discipline of the local  
24 detention center, the managing officer of the local detention center may deduct all  
25 gained time in the month in which such violation occurs. Further, according to the  
26 aggravated nature or frequency of the violation, a deduction may be made of some or  
27 all of the time gained for good conduct under subsections (c) and (d) of this section.  
28 The deductions allowed and earned under subsections (e) and (f) of this section shall  
29 not be affected by the provisions of this subsection. An inmate may not forfeit time  
30 gained unless prior to the forfeiture he or she is afforded due process of law.

31       [(h)] (I) If the inmate is ultimately committed to the custody of the  
32 Commissioner of Correction, or transferred to another local detention center, the  
33 inmate's records of accrued credits for diminution of sentence shall be forwarded to  
34 the receiving institution, which shall apply the credits to reduce the inmate's period of  
35 confinement.

36       [(i)] (J) An inmate entitled to a diminution of the period of his or her  
37 confinement under this section who is transferred to a hospital or mental institution  
38 may not be denied credit authorized by this section.

39       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only  
40 to individuals who are sentenced to imprisonment at a detention facility in Caroline  
41 County on or after the effective date of this Act and may not be construed to apply in

1 any way to individuals who have been imprisoned in a detention facility in Caroline  
2 County before the effective date of this Act.

3       SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
4 measure, is necessary for the immediate preservation of the public health and safety,  
5 has been passed by a ye and nay vote supported by three-fifths of all the members  
6 elected to each of the two Houses of the General Assembly, and shall take effect from  
7 the date it is enacted.