
By: **Allegany County Delegation**

Introduced and read first time: March 2, 1998

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Allegany County - Sheriff's Office - Home Detention Program**

3 FOR the purpose of requiring the Sheriff for Allegany County to establish and
4 administer a home detention program; authorizing a judge to prescribe that
5 certain individuals participate in the home detention program; establishing
6 eligibility requirements and restrictions concerning participation in the home
7 detention program; providing that participants are responsible for certain costs
8 and authorizing establishment of certain fees; requiring the Sheriff to adopt
9 certain regulations; providing for penalties relating to violations under the home
10 detention program; and generally relating to the establishment of a home
11 detention program in Allegany County.

12 BY repealing and reenacting, with amendments,
13 Article 27 - Crimes and Punishments
14 Section 645JJ
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1997 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 645JJ.

21 (a) This section applies only in ALLEGANY AND Washington [County]
22 COUNTIES.

23 (b) The Sheriff shall:

24 (1) Establish and administer a home detention program; and

25 (2) Adopt regulations for the home detention program.

26 (c) Whenever a person shall be convicted of a crime and sentenced to
27 imprisonment by any court in the County, the judge imposing sentence at the time of

1 sentencing or at any time during the individual's incarceration may prescribe that the
2 individual participate in the home detention program established under this section.

3 (d) An individual is eligible for the home detention program if:

4 (1) The individual is recommended to be sentenced to the home
5 detention program by the sentencing judge; and

6 (2) The individual has no other charges pending in any city, county, or
7 state.

8 (e) An individual is not eligible for the home detention program if the
9 individual:

10 (1) Is serving a sentence for a crime of violence as defined in § 643B of
11 this subheading; or

12 (2) Has been found guilty of the crime of:

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

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

15 (f) (1) Any person sentenced to home detention shall be responsible for the
16 person's medical care and related expenses, costs of housing, food, lodging, clothing,
17 and transportation, restitution, and taxes while participating in the home detention
18 program.

19 (2) (i) The Sheriff may collect a reasonable fee from each person
20 participating in the home detention program.

21 (ii) The Sheriff may waive or reduce a fee imposed under
22 subparagraph (i) of this paragraph.

23 (3) The Sheriff may determine the maximum number of persons that
24 may participate in the program.

25 (g) A person who knowingly or willfully violates a term or condition of the
26 home detention program:

27 (1) Is guilty of a misdemeanor and upon conviction is subject to a fine of
28 not more than \$10,000 or imprisonment for up to 1 year or both; and

29 (2) Is subject to any other disciplinary action provided by law.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1998.