

SENATE BILL 66

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SB 411/97 - JPR

1998 Regular Session
8lr6054

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental - Public Safety and Correctional Services)**

Requested: October 23, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Arrests - Interference With Home Detention Employees**

3 FOR the purpose of prohibiting an individual from interfering with or impeding a
4 home detention employee's efforts to monitor, supervise, or apprehend an
5 inmate, parolee, mandatory supervisee, or pretrial detainee who is placed in a
6 home detention program; prohibiting an individual from having, using, wearing,
7 or displaying a uniform or any other form of identification utilized by home
8 detention employees; establishing a penalty; defining certain terms; authorizing
9 certain home detention employees to arrest a person who interferes with or
10 impedes efforts to monitor, supervise, or apprehend an inmate, parolee,
11 mandatory supervisee, or pretrial detainee who is in a home detention program;
12 clarifying the authority to arrest certain inmates placed on home detention; and
13 generally relating to interference with home detention employees.

14 BY adding to

15 Article 27 - Crimes and Punishments
16 Section 11E to be under the new subheading "Interference With Home Detention
17 Monitoring Efforts - False Representation as Home Detention Employee"
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1997 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article 27 - Crimes and Punishments
22 Section 594B(m) and (n)
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 1997 Supplement)

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

1 Article 27 - Crimes and Punishments

2 INTERFERENCE WITH HOME DETENTION MONITORING EFFORTS - FALSE
3 REPRESENTATION AS HOME DETENTION EMPLOYEE

4 11E.

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

7 (2) "HOME DETENTION EMPLOYEE" MEANS:

8 (I) AN EMPLOYEE ASSIGNED BY THE COMMISSIONER OF
9 CORRECTION TO MONITOR AND PROVIDE SECURITY FOR INMATES PLACED ON HOME
10 DETENTION UNDER § 689A OF THIS ARTICLE OR ARTICLE 41, § 4-1404 OF THE CODE;
11 OR12 (II) AN EMPLOYEE ASSIGNED BY THE DIRECTOR OF PAROLE AND
13 PROBATION TO SUPERVISE PAROLEES AND MANDATORY SUPERVISEES PLACED IN
14 THE HOME DETENTION PROGRAM ESTABLISHED UNDER ARTICLE 41, § 4-602A OF THE
15 CODE.

16 (3) "HOME DETENTION PARTICIPANT" MEANS:

17 (I) AN INMATE PLACED IN THE HOME DETENTION PROGRAM
18 ESTABLISHED UNDER § 689A OF THIS ARTICLE;19 (II) A PAROLEE OR MANDATORY SUPERVISEE PLACED IN THE
20 HOME DETENTION PROGRAM ESTABLISHED UNDER ARTICLE 41, § 4-602A OF THE
21 CODE; OR22 (III) AN INMATE IN THE CUSTODY OF THE COMMISSIONER OF
23 PRETRIAL DETENTION AND SERVICES WHO IS PLACED IN THE HOME DETENTION
24 PROGRAM ESTABLISHED UNDER ARTICLE 41, § 4-1404 OF THE CODE.25 (B) A PERSON MAY NOT WILLFULLY INTERFERE WITH OR IMPEDE A HOME
26 DETENTION EMPLOYEE'S EFFORTS TO MONITOR, SUPERVISE, OR APPREHEND A
27 HOME DETENTION PARTICIPANT.28 (C) A PERSON MAY NOT HAVE, USE, WEAR, OR DISPLAY WITHOUT PROPER
29 AUTHORITY, ANY UNIFORM, BUTTON, ORNAMENT, IDENTIFICATION, OR SHOULDER
30 PATCH, OR ANY SIMULATION OR IMITATION OF THESE ARTICLES, THAT COMprise
31 THE REQUIRED ATTIRE FOR A HOME DETENTION EMPLOYEE.32 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
33 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 3 YEARS.

1 594B.

2 (m) Correctional employees assigned by the Commissioner of Correction to
3 monitor inmates PLACED on home detention under § 689A of this article OR ARTICLE
4 41, § 4-1404 OF THE CODE [have the same powers of arrest for inmates in the home
5 detention program as are set forth in this section for police officers] SHALL HAVE THE
6 POWER TO ARREST:

7 (1) INMATES PLACED IN THE HOME DETENTION PROGRAM; AND

8 (2) INDIVIDUALS WHO WILLFULLY INTERFERE WITH OR IMPEDE A
9 CORRECTIONAL EMPLOYEE'S EFFORTS TO MONITOR OR APPREHEND AN INMATE IN
10 THE HOME DETENTION PROGRAM.

11 (n) Parole and probation employees assigned by the Director of Parole and
12 Probation to supervise offenders under Article 41, § 4-602A of the Code [have the
13 same powers of arrest for these offenders as are set forth in this section for police
14 officers] SHALL HAVE THE POWER TO ARREST:

15 (1) PAROLEES AND MANDATORY SUPERVISEES PLACED IN THE HOME
16 DETENTION PROGRAM; AND

17 (2) INDIVIDUALS WHO WILLFULLY INTERFERE WITH OR IMPEDE A
18 PAROLE AND PROBATION EMPLOYEE'S EFFORTS TO SUPERVISE OR APPREHEND A
19 PAROLEE OR MANDATORY SUPERVISEE IN THE HOME DETENTION PROGRAM.

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