

SENATE BILL 66

Unofficial Copy  
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SB 411/97 - JPR

1998 Regular Session  
8lr6054

(PRE-FILED)

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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

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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:

**Article 27 - Crimes and Punishments**

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

11E.

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

(2) "HOME DETENTION EMPLOYEE" MEANS:

(I) AN EMPLOYEE ASSIGNED BY THE COMMISSIONER OF  
CORRECTION TO MONITOR AND PROVIDE SECURITY FOR INMATES PLACED ON HOME  
DETENTION UNDER § 689A OF THIS ARTICLE OR ARTICLE 41, § 4-1404 OF THE CODE;  
OR

(II) AN EMPLOYEE ASSIGNED BY THE DIRECTOR OF PAROLE AND  
PROBATION TO SUPERVISE PAROLEES AND MANDATORY SUPERVISEES PLACED IN  
THE HOME DETENTION PROGRAM ESTABLISHED UNDER ARTICLE 41, § 4-602A OF THE  
CODE.

(3) "HOME DETENTION PARTICIPANT" MEANS:

(I) AN INMATE PLACED IN THE HOME DETENTION PROGRAM  
ESTABLISHED UNDER § 689A OF THIS ARTICLE;

(II) A PAROLEE OR MANDATORY SUPERVISEE PLACED IN THE  
HOME DETENTION PROGRAM ESTABLISHED UNDER ARTICLE 41, § 4-602A OF THE  
CODE; OR

(III) AN INMATE IN THE CUSTODY OF THE COMMISSIONER OF  
PRETRIAL DETENTION AND SERVICES WHO IS PLACED IN THE HOME DETENTION  
PROGRAM ESTABLISHED UNDER ARTICLE 41, § 4-1404 OF THE CODE.

(B) A PERSON MAY NOT WILLFULLY INTERFERE WITH OR IMPEDE A HOME  
DETENTION EMPLOYEE'S EFFORTS TO MONITOR, SUPERVISE, OR APPREHEND A  
HOME DETENTION PARTICIPANT.

(C) A PERSON MAY NOT HAVE, USE, WEAR, OR DISPLAY WITHOUT PROPER  
AUTHORITY, ANY UNIFORM, BUTTON, ORNAMENT, IDENTIFICATION, OR SHOULDER  
PATCH, OR ANY SIMULATION OR IMITATION OF THESE ARTICLES, THAT COMPRISE  
THE REQUIRED ATTIRE FOR A HOME DETENTION EMPLOYEE.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
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.