

SENATE BILL 66

Unofficial Copy
E2
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

Committee Report: Favorable
Senate action: Adopted
Read second time: January 28, 1998

CHAPTER _____

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

1 (1996 Replacement Volume and 1997 Supplement)

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

4 **Article 27 - Crimes and Punishments**

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

7 11E.

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

10 (2) "HOME DETENTION EMPLOYEE" MEANS:

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

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

19 (3) "HOME DETENTION PARTICIPANT" MEANS:

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

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

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

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

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

1 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
2 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 3 YEARS.
3 594B.

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

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

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

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

17 (1) PAROLEES AND MANDATORY SUPERVISEES PLACED IN THE HOME
18 DETENTION PROGRAM; AND

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

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