

SENATE BILL 530

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E4

1998 Regular Session
(8r1003)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senator Collins (Baltimore County Administration)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County - Work Release and Home Detention Programs**

3 FOR the purpose of ~~establishing~~ authorizing the establishment of certain work
4 release and home detention programs in Baltimore County ~~a work release~~
5 ~~program and a home detention program; requiring~~ authorizing the adoption of
6 certain regulations relating to the administration of ~~these certain~~ programs;
7 requiring the administrators of ~~these certain~~ programs to adopt certain criteria
8 for participation in ~~these the~~ programs under certain circumstances; allowing
9 the administrator of ~~these certain~~ programs to recommend to a judge that
10 certain individuals participate in ~~these the~~ programs under certain
11 circumstances; allowing the administrator to suspend or remove participants
12 from ~~these certain~~ programs under certain circumstances; providing certain
13 penalties; ~~requiring~~ authorizing the administrator of the work release program
14 to make certain payments from the total earnings of the participants to credit a
15 certain balance to a certain account and return a certain balance; defining
16 certain terms; authorizing the administrator to charge certain fees; and
17 generally relating to the Baltimore County work release and home detention

1 programs.

2 BY adding to

3 Article 27 - Crimes and Punishments

4 Section 645NN

5 Annotated Code of Maryland

6 (1996 Replacement Volume and 1997 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

8 MARYLAND, That the Laws of Maryland read as follows:

9

Article 27 - Crimes and Punishments

10 645NN.

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

13 (2) "ADMINISTRATOR" MEANS THE ADMINISTRATOR OF THE BALTIMORE
14 COUNTY DETENTION FACILITIES OR THE ADMINISTRATOR'S DESIGNEE.

15 (3) "LEAVE" MEANS ANY AUTHORIZED TIME AWAY FROM THE
16 BALTIMORE COUNTY DETENTION FACILITIES.

17 (4) "PARTICIPANT" MEANS ANY ADULT INDIVIDUAL CONFINED TO
18 IMPRISONMENT IN A BALTIMORE COUNTY DETENTION FACILITY WHO PARTICIPATES
19 IN A PROGRAM UNDER THIS SECTION.

20 (B) (1) THE ADMINISTRATOR ~~SHALL~~ MAY ESTABLISH AND ADMINISTER A
21 WORK RELEASE PROGRAM IN BALTIMORE COUNTY.

22 (2) THE ADMINISTRATOR MAY ADOPT REGULATIONS TO CARRY OUT
23 THIS SECTION.

24 (3) IF THE ADMINISTRATOR ESTABLISHES A PROGRAM UNDER
25 PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATOR SHALL ESTABLISH:

26 (I) ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE WORK
27 RELEASE PROGRAM; AND

28 (II) FOR EACH PARTICIPANT, A WORK RELEASE PLAN THAT SHALL
29 INCLUDE THE TERMS AND CONDITIONS OF THE WORK RELEASE PROGRAM AND THE
30 EMPLOYMENT.

31 (C) (1) PARTICIPATION BY A PARTICIPANT IN THE WORK RELEASE
32 PROGRAM IS A PRIVILEGE ~~APPROVED BY COURT ORDER~~ AUTHORIZED BY COURT.

33 (2) THIS SECTION MAY NOT BE CONSTRUED TO CREATE A RIGHT TO
34 PARTICIPATE IN THE WORK RELEASE PROGRAM OR REMAIN IN THE WORK RELEASE

1 PROGRAM IF THE PARTICIPANT HAS BEEN SUSPENDED OR REMOVED FROM THE
2 PROGRAM.

3 (D) (1) THE ADMINISTRATOR MAY RECOMMEND TO A JUDGE THAT AN
4 INDIVIDUAL PARTICIPATE IN THE WORK RELEASE PROGRAM IF:

5 (I) THE INDIVIDUAL HAS APPLIED TO PARTICIPATE IN THE
6 PROGRAM; AND

7 (II) THE ADMINISTRATOR HAS APPROVED THE APPLICATION.

8 (2) IF THE ADMINISTRATOR RECOMMENDS PARTICIPATION IN THE
9 WORK RELEASE PROGRAM, A COURT MAY ~~ORDER~~ AUTHORIZE AN INDIVIDUAL TO
10 PARTICIPATE IN THE PROGRAM:

11 (I) WHEN THE COURT IMPOSES A SENTENCE;

12 (II) WHEN THE COURT COMMITS AN INDIVIDUAL TO THE CUSTODY
13 OF A BALTIMORE COUNTY DETENTION FACILITY; OR

14 (III) AT ANY TIME DURING THE INDIVIDUAL'S INCARCERATION.

15 (E) THE ADMINISTRATOR MAY SUSPEND OR REMOVE A PARTICIPANT FROM
16 THE WORK RELEASE PROGRAM:

17 (1) AT ANY TIME;

18 (2) WITHOUT PRIOR APPROVAL FROM THE COURT; AND

19 (3) FOR ANY REASON THAT THE ADMINISTRATOR DETERMINES.

20 (F) ~~AN IF THE~~ ADMINISTRATOR ~~WHO~~ SUSPENDS OR REMOVES A PARTICIPANT
21 FROM THE WORK RELEASE PROGRAM, THE ADMINISTRATOR SHALL NOTIFY THE
22 COURT WITHIN 15 DAYS AFTER THE SUSPENSION OR REMOVAL.

23 (G) A PARTICIPANT WHO VIOLATES A TERM OF LEAVE ALLOWED IN
24 ACCORDANCE WITH THE AUTHORITY PROVIDED UNDER THIS SECTION IS SUBJECT
25 TO THE PENALTIES PROVIDED IN § 139 OF THIS ARTICLE.

26 (H) (1) THE ADMINISTRATOR SHALL COLLECT EACH PARTICIPANT'S TOTAL
27 EARNINGS, LESS PAYROLL DEDUCTIONS.

28 (2) FROM THE EARNINGS, THE ADMINISTRATOR ~~SHALL~~ MAY:

29 (I) PAY THE REASONABLE COST TO THE COUNTY OF PROVIDING
30 FOOD, LODGING, AND CLOTHING FOR THE PARTICIPANT;

31 (II) MAKE COURT-ORDERED PAYMENTS TO DEPENDENTS;

32 (III) PAY COURT-ORDERED COSTS, FINES, AND RESTITUTION;

1 (IV) IF ORDERED BY THE COURT, MAKE REPAYMENT TO THE STATE
2 FOR COURT-APPOINTED COUNSEL; AND

3 (V) IF ORDERED BY THE COURT, MAKE COURT-ORDERED
4 REPAYMENT TO THE STATE FOR THE SERVICES OF THE PUBLIC DEFENDER.

5 (3) ANY BALANCE IN THE PARTICIPANT'S TOTAL EARNINGS THAT
6 REMAINS AFTER PAYMENTS UNDER PARAGRAPH (2) OF THIS SUBSECTION ARE MADE
7 SHALL BE CREDITED TO AN ACCOUNT HELD BY THE ADMINISTRATOR FOR THE
8 PARTICIPANT AND, IF THE ADMINISTRATOR APPROVES, BE DISPOSED OF AS
9 REQUESTED BY THE PARTICIPANT.

10 (4) ANY BALANCE REMAINING IN THE PARTICIPANT'S ACCOUNT SHALL
11 BE PAID TO THE PARTICIPANT UPON RELEASE FROM THE DETENTION FACILITY.

12 (I) A PARTICIPANT EMPLOYED IN THE COMMUNITY UNDER THIS SECTION
13 MAY NOT BE CONSIDERED TO BE AN AGENT OR EMPLOYEE OF BALTIMORE COUNTY,
14 THE ADMINISTRATOR, OR ANY OTHER JUDICIAL OR PUBLIC OFFICER OF THE COUNTY
15 OR STATE.

16 (J) ~~SUBJECT TO A COURT ORDER~~, THE ADMINISTRATOR MAY CHARGE FEES
17 ~~FOR A PARTICIPANT REASONABLE FEES IN AN AMOUNT NOT TO EXCEED THE~~
18 ACTUAL COSTS INCURRED BY THE COUNTY FOR FOOD, TRAVEL, AND OTHER
19 EXPENSES RELATED TO THE PARTICIPANT'S PARTICIPATION IN THE WORK RELEASE
20 PROGRAM AND OTHER RELATED COSTS.

21 (K) (1) THE ADMINISTRATOR ~~SHALL~~ MAY ESTABLISH AND ADMINISTER A
22 HOME DETENTION PROGRAM IN BALTIMORE COUNTY.

23 (2) THE ADMINISTRATOR MAY ADOPT REGULATIONS TO CARRY OUT
24 THIS SECTION.

25 (3) IF THE ADMINISTRATOR ESTABLISHES A PROGRAM UNDER
26 PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATOR SHALL ESTABLISH:

27 (I) ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE HOME
28 DETENTION PROGRAM; AND

29 (II) FOR EACH PARTICIPANT, A HOME DETENTION PLAN THAT
30 SHALL INCLUDE THE TERMS AND CONDITIONS OF THE HOME DETENTION.

31 (L) (1) PARTICIPATION BY A PARTICIPANT IN THE HOME DETENTION
32 PROGRAM IS A PRIVILEGE ~~APPROVED BY COURT ORDER~~ AUTHORIZED BY COURT.

33 (2) THIS SECTION DOES NOT CREATE A RIGHT TO PARTICIPATE IN THE
34 HOME DETENTION PROGRAM OR REMAIN IN THE PROGRAM IF THE PARTICIPANT HAS
35 BEEN SUSPENDED OR REMOVED FROM THE PROGRAM.

36 (M) (1) THE ADMINISTRATOR MAY RECOMMEND TO A JUDGE THAT AN
37 INDIVIDUAL PARTICIPATE IN THE HOME DETENTION PROGRAM IF:

1 (I) THE INDIVIDUAL HAS APPLIED TO PARTICIPATE IN THE
2 PROGRAM;

3 (II) EXCEPT FOR A VIOLATION OF THE TRANSPORTATION ARTICLE
4 OR OTHER TRAFFIC LAW OR ORDINANCE FOR WHICH A PENALTY OF INCARCERATION
5 IS NOT AUTHORIZED, THE INDIVIDUAL HAS NO OTHER CHARGES PENDING IN ANY
6 MUNICIPAL CORPORATION, COUNTY, OR STATE; AND

7 (III) THE ADMINISTRATOR HAS APPROVED THE APPLICATION.

8 (2) IF THE ADMINISTRATOR RECOMMENDS PARTICIPATION IN THE
9 HOME DETENTION PROGRAM, A COURT MAY ~~ORDER~~ AUTHORIZE AN INDIVIDUAL TO
10 PARTICIPATE IN THE PROGRAM:

11 (I) AFTER IMPOSING A SENTENCE; OR

12 (II) AT ANY TIME DURING THE INDIVIDUAL'S INCARCERATION.

13 (N) THE ADMINISTRATOR MAY SUSPEND OR REMOVE A PARTICIPANT FROM
14 THE HOME DETENTION PROGRAM:

15 (1) AT ANY TIME;

16 (2) WITHOUT PRIOR APPROVAL FROM THE COURT; AND

17 (3) FOR ANY REASON THAT THE ADMINISTRATOR DETERMINES.

18 (O) ~~AN IF THE ADMINISTRATOR WHO~~ SUSPENDS OR REMOVES A PARTICIPANT
19 FROM THE HOME DETENTION PROGRAM, ~~THE ADMINISTRATOR~~ SHALL NOTIFY THE
20 COURT WITHIN 15 DAYS AFTER THE SUSPENSION OR REMOVAL.

21 (P) A PARTICIPANT IS NOT ELIGIBLE FOR THE HOME DETENTION PROGRAM IF
22 THE PARTICIPANT:

23 (1) IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN
24 § 643B OF THIS ARTICLE; OR

25 (2) HAS BEEN FOUND GUILTY OF:

26 (I) CHILD ABUSE, UNDER § 35C OF THIS ARTICLE; OR

27 (II) ESCAPE, UNDER § 139 OF THIS ARTICLE.

28 (Q) THE ADMINISTRATOR MAY CHARGE ~~FEES FOR PARTICIPATION IN THE~~
29 ~~HOME DETENTION PROGRAM AND OTHER RELATED COSTS~~ A REASONABLE FEE FOR
30 THE ACTUAL COSTS OF ELECTRONIC SUPERVISION AND OTHER ADMINISTRATIVE
31 COSTS OF THE PROGRAM.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 1998.

