
By: **Senator Collins (Baltimore County Administration)**

Introduced and read first time: February 6, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

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

16 BY adding to
17 Article 27 - Crimes and Punishments
18 Section 645NN
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 1997 Supplement)

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

23 **Article 27 - Crimes and Punishments**

24 645NN.

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

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

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

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

6 (B) (1) THE ADMINISTRATOR SHALL ESTABLISH AND ADMINISTER A WORK
7 RELEASE PROGRAM IN BALTIMORE COUNTY.

8 (2) THE ADMINISTRATOR MAY ADOPT REGULATIONS TO CARRY OUT
9 THIS SECTION.

10 (3) THE ADMINISTRATOR SHALL ESTABLISH:

11 (I) ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE WORK
12 RELEASE PROGRAM; AND

13 (II) FOR EACH PARTICIPANT, A WORK RELEASE PLAN THAT SHALL
14 INCLUDE THE TERMS AND CONDITIONS OF THE WORK RELEASE PROGRAM AND THE
15 EMPLOYMENT.

16 (C) (1) PARTICIPATION BY A PARTICIPANT IN THE WORK RELEASE
17 PROGRAM IS A PRIVILEGE.

18 (2) THIS SECTION MAY NOT BE CONSTRUED TO CREATE A RIGHT TO
19 PARTICIPATE IN THE WORK RELEASE PROGRAM OR REMAIN IN THE WORK RELEASE
20 PROGRAM IF THE PARTICIPANT HAS BEEN SUSPENDED OR REMOVED FROM THE
21 PROGRAM.

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

24 (I) THE INDIVIDUAL HAS APPLIED TO PARTICIPATE IN THE
25 PROGRAM; AND

26 (II) THE ADMINISTRATOR HAS APPROVED THE APPLICATION.

27 (2) IF THE ADMINISTRATOR RECOMMENDS PARTICIPATION IN THE
28 WORK RELEASE PROGRAM, A COURT MAY ORDER AN INDIVIDUAL TO PARTICIPATE IN
29 THE PROGRAM:

30 (I) WHEN THE COURT IMPOSES A SENTENCE;

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

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

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

- 1 (1) AT ANY TIME;
- 2 (2) WITHOUT PRIOR APPROVAL FROM THE COURT; AND
- 3 (3) FOR ANY REASON THAT THE ADMINISTRATOR DETERMINES.

4 (F) AN ADMINISTRATOR WHO SUSPENDS OR REMOVES A PARTICIPANT FROM
5 THE WORK RELEASE PROGRAM SHALL NOTIFY THE COURT WITHIN 15 DAYS AFTER
6 THE SUSPENSION OR REMOVAL.

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

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

12 (2) FROM THE EARNINGS, THE ADMINISTRATOR SHALL:

13 (I) PAY THE COST TO THE COUNTY OF PROVIDING FOOD, LODGING,
14 AND CLOTHING FOR THE PARTICIPANT;

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

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

17 (IV) MAKE REPAYMENT TO THE STATE FOR COURT-APPOINTED
18 COUNSEL; AND

19 (V) MAKE COURT-ORDERED REPAYMENT TO THE STATE FOR THE
20 SERVICES OF THE PUBLIC DEFENDER.

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

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

28 (I) A PARTICIPANT EMPLOYED IN THE COMMUNITY UNDER THIS SECTION
29 MAY NOT BE CONSIDERED TO BE AN AGENT OR EMPLOYEE OF BALTIMORE COUNTY,
30 THE ADMINISTRATOR, OR ANY OTHER JUDICIAL OR PUBLIC OFFICER OF THE
31 COUNTY.

32 (J) THE ADMINISTRATOR MAY CHARGE FEES FOR PARTICIPATION IN THE
33 WORK RELEASE PROGRAM AND OTHER RELATED COSTS.

34 (K) (1) THE ADMINISTRATOR SHALL ESTABLISH AND ADMINISTER A HOME
35 DETENTION PROGRAM IN BALTIMORE COUNTY.

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

3 (3) THE ADMINISTRATOR SHALL ESTABLISH:

4 (I) ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE HOME
5 DETENTION PROGRAM; AND

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

8 (L) (1) PARTICIPATION BY A PARTICIPANT IN THE HOME DETENTION
9 PROGRAM IS A PRIVILEGE.

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

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

15 (I) THE INDIVIDUAL HAS APPLIED TO PARTICIPATE IN THE
16 PROGRAM;

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

21 (III) THE ADMINISTRATOR HAS APPROVED THE APPLICATION.

22 (2) IF THE ADMINISTRATOR RECOMMENDS PARTICIPATION IN THE
23 HOME DETENTION PROGRAM, A COURT MAY ORDER AN INDIVIDUAL TO PARTICIPATE
24 IN THE PROGRAM:

25 (I) AFTER IMPOSING A SENTENCE; OR

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

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

29 (1) AT ANY TIME;

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

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

32 (O) AN ADMINISTRATOR WHO SUSPENDS OR REMOVES A PARTICIPANT FROM
33 THE HOME DETENTION PROGRAM SHALL NOTIFY THE COURT WITHIN 15 DAYS AFTER
34 THE SUSPENSION OR REMOVAL

1 (P) A PARTICIPANT IS NOT ELIGIBLE FOR THE HOME DETENTION PROGRAM IF
2 THE PARTICIPANT:

3 (1) IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN
4 § 643B OF THIS ARTICLE; OR

5 (2) HAS BEEN FOUND GUILTY OF:

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

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

8 (Q) THE ADMINISTRATOR MAY CHARGE FEES FOR PARTICIPATION IN THE
9 HOME DETENTION PROGRAM AND OTHER RELATED COSTS.

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