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

Introduced and read first time: February 6, 1998

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 1998

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
18 programs.

19 BY adding to
20 Article 27 - Crimes and Punishments
21 Section 645NN
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 1997 Supplement)

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

Article 27 - Crimes and Punishments

2 645NN.

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

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

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

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

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

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

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

18 (I) ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE WORK
19 RELEASE PROGRAM; AND

20 (II) FOR EACH PARTICIPANT, A WORK RELEASE PLAN THAT SHALL
21 INCLUDE THE TERMS AND CONDITIONS OF THE WORK RELEASE PROGRAM AND THE
22 EMPLOYMENT.

23 (C) (1) PARTICIPATION BY A PARTICIPANT IN THE WORK RELEASE
24 PROGRAM IS A PRIVILEGE APPROVED BY COURT ORDER.

25 (2) THIS SECTION MAY NOT BE CONSTRUED TO CREATE A RIGHT TO
26 PARTICIPATE IN THE WORK RELEASE PROGRAM OR REMAIN IN THE WORK RELEASE
27 PROGRAM IF THE PARTICIPANT HAS BEEN SUSPENDED OR REMOVED FROM THE
28 PROGRAM.

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

31 (I) THE INDIVIDUAL HAS APPLIED TO PARTICIPATE IN THE
32 PROGRAM; AND

33 (II) THE ADMINISTRATOR HAS APPROVED THE APPLICATION.

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

4 (I) WHEN THE COURT IMPOSES A SENTENCE;

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

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

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

10 (1) AT ANY TIME;

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

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

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

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

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

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

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

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

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

26 (IV) MAKE REPAYMENT TO THE STATE FOR COURT-APPOINTED
27 COUNSEL; AND

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

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

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

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

7 (J) SUBJECT TO A COURT ORDER, THE ADMINISTRATOR MAY CHARGE FEES
8 FOR PARTICIPATION IN THE WORK RELEASE PROGRAM AND OTHER RELATED COSTS.

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

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

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

15 (I) ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE HOME
16 DETENTION PROGRAM; AND

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

19 (L) (1) PARTICIPATION BY A PARTICIPANT IN THE HOME DETENTION
20 PROGRAM IS A PRIVILEGE APPROVED BY COURT ORDER.

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

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

26 (I) THE INDIVIDUAL HAS APPLIED TO PARTICIPATE IN THE
27 PROGRAM;

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

32 (III) THE ADMINISTRATOR HAS APPROVED THE APPLICATION.

33 (2) IF THE ADMINISTRATOR RECOMMENDS PARTICIPATION IN THE
34 HOME DETENTION PROGRAM, A COURT MAY ORDER AN INDIVIDUAL TO PARTICIPATE
35 IN THE PROGRAM:

36 (I) AFTER IMPOSING A SENTENCE; OR

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

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

4 (1) AT ANY TIME;

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

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

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

10 (P) A PARTICIPANT IS NOT ELIGIBLE FOR THE HOME DETENTION PROGRAM IF
11 THE PARTICIPANT:

12 (1) IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN
13 § 643B OF THIS ARTICLE; OR

14 (2) HAS BEEN FOUND GUILTY OF:

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

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

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

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