

SENATE BILL 633

Unofficial Copy
E4

1998 Regular Session
(8lr6197)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Green, Colburn, Forehand, Hughes, Jimeno, Kelley, Trotter, Currie, and McCabe**

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 **~~Pretrial Release~~ – Private Home Detention Monitoring Agencies**

3 FOR the purpose of providing that in accordance with the Maryland Rules a court
4 may require as a condition of a defendant's pretrial release that the defendant
5 be monitored by a licensed private home detention monitoring agency; requiring
6 a defendant placed in private home detention to pay the private home detention
7 agency's monitoring fee directly to the agency; authorizing the Secretary of
8 Public Safety and Correctional Services to license and regulate ~~private home~~
9 ~~detention monitoring agencies~~ businesses that provide monitoring services to
10 individuals who are under a court order that requires private home detention
11 monitoring as a condition of their release; requiring a person who operates a
12 business that provides private home detention monitoring services to be
13 licensed; ~~providing for~~ authorizing the Secretary to issue home detention
14 monitoring agency license certificates and branch office certificates; requiring
15 the Secretary to adopt certain regulations; requiring applicants for a license to
16 submit certain information and fees; requiring State and national criminal

1 history records checks for license applicants and potential private home
 2 detention monitors; requiring license applicants and potential private home
 3 detention monitors to submit their fingerprints and certain fees to the Criminal
 4 Justice Information System Central Repository; limiting the use and
 5 dissemination of the findings of the criminal history records checks; establishing
 6 a procedure for challenging the findings of the criminal history records checks;
 7 providing a penalty for certain acts; *requiring the Department of Public Safety*
 8 *and Correctional Services to report to the General Assembly and the Governor on*
 9 *or before a certain date*; providing for the effective date of this Act and for a
 10 certain exception; and generally relating to the operation of private home
 11 detention monitoring agencies.

12 BY adding to

13 Article 27 - Crimes and Punishments
 14 Section 616 1/2(m)
 15 Annotated Code of Maryland
 16 (1996 Replacement Volume and 1997 Supplement)

17 BY adding to

18 Article - Business Occupations and Professions
 19 Section 20-101 through ~~20-604~~ 20-701 to be under the new title "Title 20.
 20 Private Home Detention"
 21 Annotated Code of Maryland
 22 (1995 Replacement Volume and 1997 Supplement)

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

25 **Article 27 - Crimes and Punishments**

26 616 1/2.

27 (M) (1) IN ACCORDANCE WITH ELIGIBILITY CRITERIA, CONDITIONS, AND
 28 PROCEDURES PRESCRIBED IN THE MARYLAND RULES, THE COURT MAY REQUIRE AS
 29 A CONDITION OF A DEFENDANT'S PRETRIAL RELEASE THAT THE DEFENDANT BE
 30 MONITORED BY A PRIVATE HOME DETENTION MONITORING AGENCY LICENSED
 31 UNDER TITLE 20 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

32 (2) A DEFENDANT PLACED IN PRIVATE HOME DETENTION UNDER
 33 PARAGRAPH (1) OF THIS SUBSECTION SHALL PAY THE PRIVATE HOME DETENTION
 34 MONITORING AGENCY'S MONITORING FEE DIRECTLY TO THE AGENCY.

Article - Business Occupations and Professions

TITLE 20. PRIVATE HOME DETENTION.

SUBTITLE 1. DEFINITIONS.

20-101.

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

(B) "PRIVATE HOME DETENTION MONITOR" MEANS AN ~~INDIVIDUAL~~
EMPLOYEE OF A LICENSED PRIVATE HOME DETENTION MONITORING AGENCY WHO
PERSONALLY MONITORS A DEFENDANT WHO IS SUBJECT TO PRIVATE HOME
DETENTION MONITORING UNDER THE PROVISIONS OF ARTICLE 27, § 616 1/2(M) OF
THE CODE AS A CONDITION OF PRETRIAL RELEASE ~~INDIVIDUALS WHO ARE UNDER A~~
COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE HOME DETENTION
MONITORING AGENCY.

(C) "PRIVATE HOME DETENTION MONITORING AGENCY" MEANS A PERSON
WHO CONDUCTS A BUSINESS THAT ~~MONITORS DEFENDANTS SUBJECT TO PRIVATE~~
~~HOME DETENTION MONITORING UNDER THE PROVISIONS OF ARTICLE 27, § 616 1/2(M)~~
~~OF THE CODE AS A CONDITION OF PRETRIAL RELEASE~~ PROVIDES MONITORING
SERVICES FOR A FEE TO INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT
REQUIRES MONITORING BY A PRIVATE HOME DETENTION MONITORING AGENCY.

(D) "LICENSE" MEANS A LICENSE ISSUED BY THE SECRETARY TO OPERATE A
BUSINESS THAT ~~MONITORS DEFENDANTS SUBJECT TO PRIVATE HOME DETENTION~~
~~MONITORING UNDER THE PROVISIONS OF ARTICLE 27, § 616 1/2(M) OF THE CODE AS A~~
~~CONDITION OF PRETRIAL RELEASE~~ PROVIDES MONITORING SERVICES FOR A FEE TO
INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A
PRIVATE HOME DETENTION MONITORING AGENCY.

(E) "LICENSED PRIVATE HOME DETENTION MONITORING AGENCY" MEANS A
PERSON WHO IS LICENSED BY THE SECRETARY TO CONDUCT A BUSINESS THAT
~~MONITORS DEFENDANTS SUBJECT TO PRIVATE HOME DETENTION MONITORING~~
~~UNDER THE PROVISIONS OF ARTICLE 27, § 616 1/2(M) OF THE CODE AS A CONDITION~~
~~OF PRETRIAL RELEASE~~ PROVIDES MONITORING SERVICES FOR A FEE TO
INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A
PRIVATE HOME DETENTION MONITORING AGENCY.

~~(F) "PRIMARY LAW ENFORCEMENT AGENCY" MEANS THE LAW ENFORCEMENT~~
~~AGENCY IN EACH COUNTY THAT HAS BEEN DESIGNATED BY RESOLUTION OF THE~~
~~COUNTY GOVERNING BODY AS THE PRIMARY LAW ENFORCEMENT UNIT IN THE~~
~~COUNTY.~~

~~(G)~~ (F) "SECRETARY" MEANS THE SECRETARY OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES.

SUBTITLE 2. DUTIES OF SECRETARY.

20-201.

(A) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE SECRETARY SHALL ADOPT AND ENFORCE REGULATIONS TO CARRY OUT THIS TITLE, INCLUDING REGULATIONS THAT ESTABLISH:

(1) MINIMUM STANDARDS FOR ELECTRONIC EQUIPMENT CAPABLE OF MONITORING A ~~DEFENDANT~~ 24 HOURS PER DAY INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE HOME DETENTION MONITORING AGENCY; AND

~~(2) GUIDELINES FOR IDENTIFYING A HOME ENVIRONMENT THAT IS CONDUCTIVE TO EFFICIENT AND EFFECTIVE HOME MONITORING;~~

~~(3) (2) MINIMUM TRAINING AND EXPERIENCE REQUIREMENTS FOR AN APPLICANT FOR A PRIVATE HOME DETENTION MONITORING AGENCY LICENSE LICENSEE AND FOR A PRIVATE HOME DETENTION MONITOR; AND~~

~~(3) THE MINIMUM NUMBER OF PRIVATE HOME DETENTION MONITORS THAT SHALL BE ON DUTY IN RELATION TO THE NUMBER OF DEFENDANTS BEING MONITORED; AND~~

~~(4) THE MINIMUM NUMBER OF PRIVATE HOME DETENTION MONITORS THAT SHALL BE ON DUTY IN RELATION TO THE NUMBER OF DEFENDANTS BEING MONITORED.~~

(B) THE SECRETARY SHALL:

(1) MAINTAIN A ROSTER OF LICENSED PRIVATE HOME DETENTION MONITORING AGENCIES THAT INCLUDES:

(I) A TELEPHONE NUMBER AT WHICH A PERSON WHO OPERATES A LICENSED PRIVATE HOME DETENTION MONITORING AGENCY CAN BE REACHED DURING NORMAL BUSINESS HOURS; AND

(II) A TELEPHONE OR PAGER NUMBER AT WHICH A PERSON WHO OPERATES A LICENSED PRIVATE HOME DETENTION MONITORING AGENCY CAN BE REACHED DURING NONBUSINESS HOURS;:

(2) ANNUALLY DISSEMINATE THE ROSTER OF LICENSED PRIVATE HOME DETENTION MONITORING AGENCIES TO:

~~(I) THE PRIMARY LAW ENFORCEMENT AGENCY IN EACH COUNTY;~~

~~(II) THE DISTRICT COURT OF MARYLAND; AND~~

~~(III) THE CIRCUIT COURT IN EACH COUNTY.~~

1 (I) THE ADMINISTRATIVE JUDGE FOR THE DISTRICT COURT IN
2 EACH DISTRICT;

3 (II) THE ADMINISTRATIVE JUDGE FOR THE CIRCUIT COURT IN
4 EACH COUNTY; AND

5 (III) THE ADMINISTRATIVE OFFICE OF THE COURTS; AND

6 (3) NOTIFY THE AGENCIES LISTED IN PARAGRAPH (2) OF THIS
7 SUBSECTION WHEN THE LICENSE OF A PRIVATE HOME DETENTION MONITORING
8 AGENCY IS SUSPENDED OR REVOKED.

9 SUBTITLE 3. LICENSING.

10 20-301.

11 A PERSON SHALL BE LICENSED BY THE SECRETARY AS A PRIVATE HOME
12 DETENTION MONITORING AGENCY BEFORE OPERATING A BUSINESS THAT
13 ~~MONITORS DEFENDANTS SUBJECT TO PRIVATE HOME DETENTION MONITORING~~
14 ~~UNDER THE PROVISIONS OF ARTICLE 27, § 616 1/2(M) OF THE CODE AS A CONDITION~~
15 ~~OF PRETRIAL RELEASE PROVIDES MONITORING SERVICES FOR A FEE TO~~
16 INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A
17 PRIVATE HOME DETENTION MONITORING AGENCY.

18 20-302.

19 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL MEET THE
20 REQUIREMENTS OF THIS SECTION.

21 (B) THE APPLICANT AND ANYONE THE APPLICANT EMPLOYS AS A PRIVATE
22 HOME DETENTION MONITOR SHALL BE OF GOOD CHARACTER AND REPUTATION.

23 (C) THE APPLICANT AND ALL INDIVIDUALS EMPLOYED AS PRIVATE HOME
24 DETENTION MONITORS SHALL SATISFY THE MINIMUM TRAINING AND EXPERIENCE
25 REQUIREMENTS PROVIDED IN REGULATIONS ADOPTED BY THE SECRETARY.

26 20-303.

27 (A) (1) AN APPLICANT FOR A LICENSE SHALL SUBMIT TO THE SECRETARY:

28 (I) AN APPLICATION ON THE FORM THAT THE SECRETARY
29 PROVIDES; AND

30 (II) AN APPLICATION FEE OF \$500.

31 (2) THE APPLICATION FEE IS NONREFUNDABLE.

32 (B) (1) THE APPLICATION FORM PROVIDED BY THE SECRETARY SHALL
33 CONTAIN A STATEMENT ADVISING THE APPLICANT THAT WILLFULLY MAKING A

1 FALSE STATEMENT ON AN APPLICATION IS A MISDEMEANOR, SUBJECT TO A FINE OR
2 IMPRISONMENT OR BOTH, AS PROVIDED UNDER ~~§ 20-604~~ § 20-701 OF THIS TITLE.

3 (2) THE APPLICANT SHALL SIGN THE APPLICATION UNDER OATH.

4 (C) IN ADDITION TO ANY OTHER INFORMATION THAT THE SECRETARY
5 REQUIRES, THE APPLICANT SHALL PROVIDE:

6 (1) THE NAME, DATE OF BIRTH, AND RESIDENCE ADDRESS OF THE
7 APPLICANT;

8 (2) THE ADDRESS OF THE APPLICANT'S PROPOSED PRINCIPAL PLACE OF
9 BUSINESS AND OF EACH PROPOSED BRANCH OFFICE;

10 (3) A TELEPHONE NUMBER AT WHICH THE APPLICANT CAN BE
11 REACHED DURING NORMAL BUSINESS HOURS;

12 (4) A TELEPHONE OR PAGER NUMBER THAT CAN BE USED TO REACH
13 THE APPLICANT DURING NONBUSINESS HOURS; AND

14 (5) THE NAME AND PERMANENT ADDRESS OF EACH INDIVIDUAL THE
15 APPLICANT INTENDS TO EMPLOY AS A PRIVATE HOME DETENTION MONITOR.

16 (D) AN APPLICANT FOR A LICENSE SHALL SUBMIT WITH THE APPLICATION
17 FORM:

18 (1) A BOND IN ACCORDANCE WITH THE REQUIREMENTS OF ~~§ 20-502~~ §
19 20-601 OF THIS TITLE; AND

20 (2) PROOF OF LIABILITY INSURANCE, AS REQUIRED UNDER ~~§ 20-503~~ §
21 20-602 OF THIS TITLE.

22 20-304.

23 BEFORE AN INDIVIDUAL MAY BEGIN WORKING AS A PRIVATE HOME
24 DETENTION MONITOR:

25 (1) THE PRIVATE HOME DETENTION MONITORING AGENCY SHALL
26 SUBMIT TO THE SECRETARY, ON THE FORM THAT THE SECRETARY PROVIDES, THE
27 NAME OF THE INDIVIDUAL; AND

28 (2) THE INDIVIDUAL SHALL APPLY FOR STATE AND NATIONAL CRIMINAL
29 HISTORY RECORDS CHECKS UNDER § 20-305 OF THIS TITLE.

30 20-305.

31 (A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE
32 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC
33 SAFETY AND CORRECTIONAL SERVICES.

1 (B) AN APPLICANT FOR A LICENSE UNDER THIS TITLE AND AN INDIVIDUAL
2 WHOSE NAME MUST BE SUBMITTED UNDER § 20-303(C)(5) OF THIS SUBTITLE SHALL
3 APPLY TO THE CENTRAL REPOSITORY FOR STATE AND NATIONAL CRIMINAL HISTORY
4 RECORDS CHECKS ON A FORM APPROVED BY THE DIRECTOR OF THE CENTRAL
5 REPOSITORY.

6 (C) FOR EACH INDIVIDUAL APPLYING FOR STATE AND NATIONAL CRIMINAL
7 HISTORY RECORDS CHECKS UNDER SUBSECTION (B) OF THIS SECTION, THE CENTRAL
8 REPOSITORY SHALL:

9 (1) NOTIFY THE SECRETARY OF THE RECEIPT OF THE APPLICATION FOR
10 STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS;

11 (2) PROCESS THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS
12 CHECKS AND FORWARD TO THE SECRETARY A PRINTED STATEMENT LISTING A
13 ~~CRIMINAL CONVICTION, PROBATION BEFORE JUDGMENT DISPOSITION, OR NOT~~
14 ~~CRIMINALLY RESPONSIBLE DISPOSITION, OR PENDING CHARGE CHARGES FOR A~~
15 ~~CRIMINAL OFFENSE~~ FELONY CONVICTION; AND

16 (3) PROCESS AN UPDATE OF THE INITIAL STATE CRIMINAL HISTORY
17 RECORDS CHECK AND FORWARD TO THE SECRETARY A REVISED PRINTED
18 STATEMENT LISTING A ~~CRIMINAL CONVICTION, PROBATION BEFORE JUDGMENT~~
19 ~~DISPOSITION, OR NOT CRIMINALLY RESPONSIBLE DISPOSITION, OR PENDING~~
20 ~~CHARGES FOR A CRIMINAL~~ FELONY CONVICTION FOR AN OFFENSE OCCURRING IN
21 THE STATE AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK.

22 (D) AN INDIVIDUAL APPLYING FOR STATE AND NATIONAL CRIMINAL HISTORY
23 RECORDS CHECKS SHALL SUBMIT TO THE CENTRAL REPOSITORY:

24 (1) A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN AT ANY
25 DESIGNATED STATE OR LOCAL LAW ENFORCEMENT OFFICE IN THE STATE OR OTHER
26 LOCATION APPROVED BY THE SECRETARY;

27 (2) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL
28 BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK;
29 AND

30 (3) THE FEE AUTHORIZED UNDER ARTICLE 27, § 746(B)(8) OF THE CODE
31 FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS.

32 (E) A PRIVATE HOME DETENTION MONITORING AGENCY OR AN APPLICANT
33 FOR A LICENSE TO OPERATE A PRIVATE HOME DETENTION MONITORING AGENCY
34 MAY PAY THE FEES REQUIRED IN SUBSECTION (D) OF THIS SECTION FOR AN
35 INDIVIDUAL IT INTENDS TO EMPLOY AS A PRIVATE HOME DETENTION MONITOR.

36 (F) INFORMATION OBTAINED BY THE SECRETARY UNDER THIS SECTION
37 SHALL BE CONFIDENTIAL AND MAY BE DISSEMINATED ONLY TO THE INDIVIDUAL
38 WHO IS THE SUBJECT OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS
39 CHECKS AND TO A PRIVATE HOME DETENTION MONITORING AGENCY INTENDING TO
40 EMPLOY AN INDIVIDUAL AS A PRIVATE HOME DETENTION MONITOR.

1 (G) (1) INFORMATION A PRIVATE HOME DETENTION MONITORING AGENCY
2 RECEIVES FROM THE SECRETARY UNDER THIS SECTION MAY NOT:

3 (I) BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT
4 WAS DISSEMINATED; AND

5 (II) BE REDISSEMINATED.

6 (2) INFORMATION A PRIVATE HOME DETENTION MONITORING AGENCY
7 RECEIVES FROM THE SECRETARY UNDER THIS SECTION SHALL BE MAINTAINED IN A
8 MANNER TO ENSURE THE SECURITY OF THE INFORMATION.

9 20-306.

10 (A) THIS SECTION APPLIES TO AN INDIVIDUAL REQUIRED TO APPLY FOR
11 STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS UNDER THIS
12 SUBTITLE.

13 (B) AN INDIVIDUAL MAY CONTEST THE FINDING OF A CRIMINAL CONVICTION
14 OR PENDING CHARGE REPORTED IN A PRINTED STATEMENT ISSUED BY THE
15 DEPARTMENT AS PROVIDED IN THIS SECTION.

16 (C) (1) IN CONTESTING THE FINDING OF A CONVICTION OR A PENDING
17 CHARGE, THE INDIVIDUAL SHALL CONTACT THE OFFICE OF THE SECRETARY, OR A
18 DESIGNEE OF THE SECRETARY, AND A HEARING SHALL BE CONVENED WITHIN 20
19 WORKDAYS, UNLESS SUBSEQUENTLY WAIVED BY THE ELIGIBLE EMPLOYEE.

20 (2) THE SECRETARY, OR A DESIGNEE OF THE SECRETARY, SHALL
21 RENDER A DECISION REGARDING THE APPEAL WITHIN 5 WORKDAYS AFTER THE
22 HEARING.

23 (D) (1) FOR THE PURPOSES OF THIS SUBTITLE, THE RECORD OF A
24 CONVICTION FOR A CRIME OR A COPY OF THE RECORD CERTIFIED BY THE CLERK OF
25 THE COURT OR BY A JUDGE OF THE COURT IN WHICH THE CONVICTION OCCURRED
26 SHALL BE CONCLUSIVE EVIDENCE OF THE CONVICTION.

27 (2) IN A CASE WHERE A PENDING CHARGE IS RECORDED,
28 DOCUMENTATION PROVIDED BY A COURT TO THE SECRETARY, OR A DESIGNEE OF
29 THE SECRETARY, THAT A PENDING CHARGE FOR A CRIME HAS NOT BEEN FINALLY
30 ADJUDICATED SHALL BE CONCLUSIVE EVIDENCE OF THE PENDING CHARGE.

31 (E) FAILURE OF THE INDIVIDUAL TO APPEAR AT THE SCHEDULED HEARING
32 SHALL BE CONSIDERED GROUNDS FOR DISMISSAL OF THE APPEAL.

33 20-307.

34 (A) (1) THE SECRETARY SHALL ISSUE A LICENSE TO EACH APPLICANT WHO
35 SATISFIES THE REQUIREMENTS OF THIS TITLE AND ANY REGULATIONS ADOPTED
36 UNDER THIS TITLE.

1 (2) (I) THE SECRETARY SHALL ISSUE A PRIVATE HOME DETENTION
2 MONITORING AGENCY LICENSE CERTIFICATE TO EACH LICENSED AGENCY ~~AND A~~
3 ~~BRANCH OFFICE CERTIFICATE FOR EACH PROPOSED BRANCH OFFICE.~~

4 (II) FOR EACH ADDITIONAL OFFICE THE PRIVATE DETENTION
5 MONITORING AGENCY PROPOSES TO OPERATE, THE SECRETARY SHALL ISSUE A
6 BRANCH OFFICE CERTIFICATE.

7 (B) (1) THE SECRETARY SHALL INCLUDE ON EACH AGENCY LICENSE
8 CERTIFICATE THAT THE SECRETARY ISSUES:

9 (I) THE FULL NAME OF THE LICENSEE;

10 (II) THE LOCATION OF THE ~~PRINCIPAL OFFICE~~ PRIVATE HOME
11 DETENTION MONITORING AGENCY AND OF EACH BRANCH OFFICE ~~OF THE LICENSED~~
12 ~~PRIVATE HOME DETENTION MONITORING AGENCY, IF ANY;~~

13 (III) THE DATE OF ISSUANCE OF THE LICENSE; AND

14 (IV) THE DATE ON WHICH THE LICENSE EXPIRES.

15 (2) THE SECRETARY SHALL INCLUDE ON EACH A BRANCH OFFICE
16 CERTIFICATE:

17 (I) THE FULL NAME OF THE LICENSEE;

18 (II) THE LOCATION OF THE PRINCIPAL OFFICE OF THE LICENSEE
19 AND OF THE AGENCY BRANCH OFFICE FOR WHICH THE CERTIFICATE IS ISSUED;

20 (III) THE DATE OF ISSUANCE OF THE BRANCH OFFICE CERTIFICATE;
21 AND

22 (IV) THE DATE ON WHICH THE LICENSE OF THE LICENSEE EXPIRES.

23 20-308.

24 WHILE A LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO:

25 (1) OPERATE, IN ACCORDANCE WITH APPLICABLE LAWS AND
26 REGULATIONS, A BUSINESS THAT ~~MONITORS DEFENDANTS SUBJECT TO PRIVATE~~
27 ~~HOME DETENTION MONITORING UNDER THE PROVISIONS OF ARTICLE 27, § 616 1/2(M)~~
28 ~~OF THE CODE AS A CONDITION OF PRETRIAL RELEASE; PROVIDES MONITORING~~
29 SERVICES FOR A FEE TO INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT
30 REQUIRES MONITORING BY A PRIVATE HOME DETENTION MONITORING AGENCY;
31 AND

32 (2) ~~MAINTAIN AN OFFICE FOR THE BUSINESS AT EACH LOCATION~~
33 ~~STATED IN THE AGENCY LICENSE CERTIFICATE; AND~~

34 (3) (2) EMPLOY QUALIFIED INDIVIDUALS TO WORK AS PRIVATE HOME
35 DETENTION MONITORS ON BEHALF OF THE LICENSEE.

1 20-309.

2 (A) UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN
3 THIS SECTION, THE LICENSE EXPIRES ON THE DATE SET BY THE SECRETARY.

4 (B) AT LEAST 2 MONTHS BEFORE A LICENSE EXPIRES, THE SECRETARY SHALL
5 MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

6 (1) A RENEWAL APPLICATION FORM; AND

7 (2) A NOTICE THAT STATES:

8 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

9 (II) THAT THE SECRETARY MUST RECEIVE THE RENEWAL
10 APPLICATION AT LEAST 21 DAYS BEFORE THE LICENSE EXPIRATION DATE, FOR THE
11 RENEWAL TO BE ISSUED AND MAILED BEFORE THE CURRENT LICENSE EXPIRES;

12 (III) THE AMOUNT OF THE RENEWAL FEE; AND

13 (IV) THAT THE SUBMISSION OF A FALSE STATEMENT IN THE
14 RENEWAL APPLICATION OR IN THE ANNUAL STATEMENTS IS CAUSE FOR
15 REVOCATION OF THE LICENSE.

16 (C) THE SECRETARY SHALL RENEW THE LICENSE OF EACH LICENSEE WHO
17 SATISFIES THE REQUIREMENTS OF THIS TITLE AND ANY REGULATIONS ADOPTED
18 UNDER THIS TITLE.

19 20-310.

20 (A) AS A CONDITION FOR LICENSE RENEWAL, A LICENSEE SHALL SUBMIT TO
21 THE SECRETARY WITH THE RENEWAL APPLICATION:

22 (1) A CERTIFICATION OR, AS AUTHORIZED BY THE SECRETARY, OTHER
23 DOCUMENTATION THAT THE LICENSED PRIVATE HOME DETENTION MONITORING
24 AGENCY HAS PAID, FOR THE PAST 2 YEARS, ALL WITHHOLDING AND SOCIAL
25 SECURITY TAXES;

26 (2) A CERTIFICATION OR, AS AUTHORIZED BY THE SECRETARY, OTHER
27 DOCUMENTATION THAT THE LICENSED PRIVATE HOME DETENTION MONITORING
28 AGENCY HAS PAID, FOR THE PAST 2 YEARS, ALL OTHER OBLIGATIONS PAYABLE FOR
29 ~~THE EMPLOYEES OF THE LICENSED PRIVATE HOME DETENTION MONITORING~~
30 ~~AGENCY TO THE STATE OR THE FEDERAL GOVERNMENT EMPLOYERS ARE REQUIRED~~
31 TO PAY ON BEHALF OF THEIR EMPLOYEES TO THE STATE OR FEDERAL
32 GOVERNMENT;

33 ~~(3) A CERTIFICATE FROM AN INSURANCE CARRIER OR, AS AUTHORIZED~~
34 ~~BY THE SECRETARY, OTHER DOCUMENTATION SHOWING THAT THE LICENSED~~
35 ~~PRIVATE HOME DETENTION MONITORING AGENCY HAS IN EFFECT WORKERS'~~

1 ~~COMPENSATION INSURANCE FOR ITS COVERED EMPLOYEES, AS DEFINED IN § 9-101~~
2 ~~OF THE LABOR AND EMPLOYMENT ARTICLE;~~

3 (3) A CERTIFICATE OF COMPLIANCE ISSUED BY THE STATE WORKERS'
4 COMPENSATION COMMISSION, OR THE NUMBER OF A WORKERS' COMPENSATION
5 INSURANCE POLICY OR BINDER AS PROVIDED BY § 9-105 OF THE LABOR AND
6 EMPLOYMENT ARTICLE;

7 (4) A RECEIPT FROM THE COMPTROLLER'S OFFICE OR, AS AUTHORIZED
8 BY THE SECRETARY, OTHER DOCUMENTATION SHOWING THAT THE STATE INCOME
9 TAX OF THE LICENSED PRIVATE HOME DETENTION MONITORING AGENCY HAS BEEN
10 PAID FOR THE PAST 2 YEARS;

11 (5) (I) A BOND IN ACCORDANCE WITH THE REQUIREMENTS OF §
12 ~~20-502~~ § 20-601 OF THIS TITLE; AND

13 (II) PROOF OF LIABILITY INSURANCE, AS REQUIRED UNDER §
14 ~~20-503~~ § 20-602 OF THIS TITLE; AND

15 ~~(6) A SIGNED STATEMENT, ON A FORM APPROVED BY THE SECRETARY,~~
16 ~~INDICATING THERE IS NO OBJECTION TO THE LICENSE RENEWAL OF THE PRIVATE~~
17 ~~HOME DETENTION AGENCY FROM:~~

18 ~~(I) THE CHIEF OF THE PRIMARY LAW ENFORCEMENT AGENCY IN~~
19 ~~EACH COUNTY WHERE THE PRIVATE HOME DETENTION MONITORING AGENCY~~
20 ~~MONITORS DEFENDANTS;~~

21 ~~(II) (I) THE ADMINISTRATIVE JUDGE FOR EACH THE CIRCUIT~~
22 ~~COURT IN EACH OF THE COUNTIES WHERE THE PRIVATE HOME DETENTION~~
23 ~~MONITORING AGENCY MONITORS DEFENDANTS INDIVIDUALS WHO ARE UNDER A~~
24 ~~COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE HOME DETENTION~~
25 ~~MONITORING AGENCY; AND~~

26 ~~(III) (I) THE ADMINISTRATIVE JUDGE FOR THE DISTRICT COURT~~
27 ~~OF MARYLAND IN THE COUNTIES IN EACH OF THE DISTRICTS WHERE THE PRIVATE~~
28 ~~HOME DETENTION MONITORING AGENCY MONITORS DEFENDANTS INDIVIDUALS~~
29 ~~WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE~~
30 ~~HOME DETENTION MONITORING AGENCY.~~

31 ~~(6) A RENEWAL FEE OF \$100.~~

32 (B) IF THE SECRETARY DOES NOT RECEIVE THE DOCUMENTS REQUIRED
33 UNDER SUBSECTION (A) OF THIS SECTION AT LEAST 21 DAYS BEFORE THE CURRENT
34 LICENSE EXPIRES, THE SECRETARY MAY CHARGE THE LICENSEE A LATE FEE OF \$10
35 PER DAY UNTIL THE DOCUMENTS ARE RECEIVED.

36 (C) THE SECRETARY MAY INSPECT ANY OF THE BUSINESS RECORDS OF A
37 LICENSEE THAT RELATE TO ANY MATTER THAT IS SUBJECT TO CERTIFICATION OR
38 DOCUMENTATION UNDER THIS SECTION.

1 20-311.

2 (A) A LICENSEE SHALL MAINTAIN AN OFFICE IN ~~EACH COUNTY WHERE IT~~
3 ~~MONITORS DEFENDANTS~~ THE STATE.

4 (B) A LICENSEE SHALL KEEP IN AN OFFICE IN ~~EACH COUNTY WHERE IT~~
5 ~~MONITORS DEFENDANTS~~ THE STATE ALL FILES OR OTHER RECORDS THAT:

6 (1) ARE MADE IN THE ~~COUNTY~~ STATE; AND

7 (2) RELATE TO ~~DEFENDANTS~~ INDIVIDUALS MONITORED ~~IN THE COUNTY~~
8 BY THE LICENSEE.

9 20-312.

10 (A) WITHIN ~~5~~ 21 DAYS AFTER THE CHANGE, A LICENSEE SHALL SUBMIT TO
11 THE SECRETARY WRITTEN NOTICE OF:

12 (1) THE ADDITION OF A BRANCH OFFICE; AND

13 (2) A CHANGE IN THE ADDRESS OF ~~AN EXISTING OFFICE~~ THE PRIVATE
14 HOME DETENTION MONITORING AGENCY OR BRANCH OFFICE.

15 (B) THE LICENSEE SHALL SUBMIT WITH THE NOTICE:

16 (1) A PHOTOCOPY OF THE AGENCY LICENSE CERTIFICATE; AND

17 (2) IF THE PROPOSED CHANGE AFFECTS AN EXISTING BRANCH OFFICE,
18 A PHOTOCOPY OF THE BRANCH OFFICE CERTIFICATE FOR THAT OFFICE.

19 (C) THE SECRETARY SHALL ISSUE A NEW AGENCY LICENSE CERTIFICATE
20 AND, IF APPLICABLE, A NEW BRANCH OFFICE CERTIFICATE, BOTH OF WHICH SHALL
21 SET FORTH THE SAME EXPIRATION DATE AS THE ORIGINAL AGENCY LICENSE
22 CERTIFICATE.

23 20-313.

24 (A) EACH LICENSEE SHALL HAVE ON THE PREMISES AT ALL TIMES:

25 (1) THE AGENCY LICENSE CERTIFICATE IN THE ~~PRINCIPAL~~ OFFICE OF
26 THE PRIVATE HOME DETENTION MONITORING AGENCY; AND

27 (2) THE BRANCH OFFICE CERTIFICATE IN THE AGENCY BRANCH OFFICE
28 FOR WHICH THE CERTIFICATE WAS ISSUED.

29 (B) (1) IF AN AGENCY LICENSE CERTIFICATE OR BRANCH OFFICE
30 CERTIFICATE IS LOST OR DESTROYED, THE LICENSEE IMMEDIATELY SHALL NOTIFY
31 THE SECRETARY.

1 (2) ON RECEIPT OF NOTICE OF THE LOSS OR DESTRUCTION OF AN
 2 AGENCY LICENSE CERTIFICATE OR BRANCH OFFICE CERTIFICATE, THE SECRETARY
 3 MAY ISSUE A DUPLICATE.

4 20-314.

5 (A) SUBJECT TO THE HEARING PROVISIONS OF § 20-316 OF THIS SUBTITLE,
 6 THE SECRETARY MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY
 7 LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:

8 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
 9 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

10 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

11 (3) WHILE NOT LICENSED, WILLFULLY ENGAGES IN A BUSINESS
 12 PROVIDING PRIVATE HOME DETENTION MONITORING SERVICES IN THE STATE;

13 (4) WHILE NOT LICENSED, WILLFULLY ADVERTISES AS A PRIVATE HOME
 14 DETENTION MONITORING AGENCY;

15 (5) WILLFULLY MAKES A FALSE STATEMENT OR MISREPRESENTATION
 16 THAT AN INDIVIDUAL IS OR WAS IN THE EMPLOY OF THE APPLICANT OR LICENSEE;

17 (6) HAS A ~~CRIMINAL CONVICTION, A PROBATION BEFORE JUDGMENT~~
 18 ~~DISPOSITION, OR A NOT CRIMINALLY RESPONSIBLE DISPOSITION,~~ OR HAS PENDING
 19 ~~CHARGES FOR A CRIMINAL OFFENSE~~ FELONY CONVICTION;

20 (7) KNOWINGLY EMPLOYS OR KNOWINGLY CONTINUES TO EMPLOY A
 21 PRIVATE HOME DETENTION MONITOR AFTER BEING NOTIFIED BY THE SECRETARY
 22 THAT THE INDIVIDUAL HAS A ~~CRIMINAL CONVICTION, A PROBATION BEFORE~~
 23 ~~JUDGMENT DISPOSITION, OR A NOT CRIMINALLY RESPONSIBLE DISPOSITION,~~ OR
 24 ~~HAS PENDING CHARGES FOR A CRIMINAL OFFENSE~~ FELONY CONVICTION;

25 (8) WILLFULLY MAKES A FALSE STATEMENT OR MISREPRESENTATION
 26 IN ANY RENEWAL APPLICATION, IN ANY ANNUAL STATEMENT, OR IN ANY OTHER
 27 REPORT OR DOCUMENT THAT THE SECRETARY REQUIRES TO BE SUBMITTED;

28 (9) FAILS TO NOTIFY THE SECRETARY ABOUT ANY CHANGE IN THE
 29 ADDRESS OF THE ~~PRINCIPAL OFFICE~~ PRIVATE HOME DETENTION MONITORING
 30 AGENCY OR ANY BRANCH OFFICE OF A LICENSEE;

31 (10) FAILS TO MAINTAIN A BOND AS REQUIRED BY ~~§ 20-502~~ § 20-601 OF
 32 THIS TITLE;

33 (11) FAILS TO MAINTAIN THE LIABILITY INSURANCE REQUIRED UNDER §
 34 ~~20-503~~ § 20-602 OF THIS TITLE;

35 (12) VIOLATES ANY OTHER PROVISION OF THIS TITLE; OR

36 (13) VIOLATES A REGULATION ADOPTED UNDER THIS TITLE.

1 (B) FOR PURPOSES OF THIS SECTION, AN ACT OR OMISSION OF ANY
2 PRINCIPAL, AGENT, OR EMPLOYEE OF AN APPLICANT OR LICENSEE MAY BE
3 CONSTRUED TO BE THE ACT OR OMISSION OF THE APPLICANT OR LICENSEE, AS
4 WELL AS OF THE PRINCIPAL, AGENT, OR EMPLOYEE.

5 20-315.

6 (A) (1) SUBJECT TO THIS SECTION, THE SECRETARY SHALL COMMENCE
7 PROCEEDINGS UNDER § 20-316 OF THIS SUBTITLE ON THE SECRETARY'S OWN
8 COMPLAINT OR ON A COMPLAINT MADE TO THE SECRETARY BY ANY PERSON.

9 (2) IF A COMPLAINT IS MADE BY ANY PERSON OTHER THAN THE
10 SECRETARY, THE COMPLAINT SHALL BE MADE UNDER OATH BY THE PERSON WHO
11 SUBMITS THE COMPLAINT.

12 (3) A COMPLAINT SHALL:

13 (I) BE IN WRITING;

14 (II) BE SIGNED BY THE COMPLAINANT; AND

15 (III) STATE SPECIFICALLY THE FACTS ON WHICH THE COMPLAINT
16 IS BASED.

17 (B) ON RECEIPT OF A COMPLAINT THAT ALLEGES FACTS THAT ARE GROUNDS
18 FOR ACTION UNDER § 20-314 OF THIS SUBTITLE, THE SECRETARY SHALL ASSIGN AN
19 EMPLOYEE TO INVESTIGATE THE COMPLAINT.

20 (C) (1) ON CONCLUSION OF THE INVESTIGATION, THE EMPLOYEE WHO
21 CONDUCTED THE INVESTIGATION SHALL DETERMINE WHETHER THERE IS A
22 REASONABLE BASIS TO BELIEVE THAT THERE ARE GROUNDS FOR DISCIPLINARY
23 ACTION UNDER § 20-314 OF THIS SUBTITLE.

24 (2) IF THE EMPLOYEE WHO CONDUCTED THE INVESTIGATION FINDS A
25 REASONABLE BASIS AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE
26 SECRETARY SHALL ACT ON THE COMPLAINT AS PROVIDED UNDER § 20-316 OF THIS
27 SUBTITLE.

28 20-316.

29 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
30 GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES FINAL ACTION UNDER §
31 20-314 OF THIS SUBTITLE, THE SECRETARY SHALL GIVE THE PERSON AGAINST
32 WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE
33 THE SECRETARY.

34 (B) THE SECRETARY SHALL GIVE NOTICE AND HOLD THE HEARING IN
35 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

1 (C) THE SECRETARY MAY ADMINISTER OATHS IN CONNECTION WITH ANY
2 PROCEEDING UNDER THIS SECTION.

3 (D) THE PERSON MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

4 (E) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS
5 CONTEMPLATED DOES NOT APPEAR, NEVERTHELESS THE SECRETARY MAY HEAR
6 AND DETERMINE THE MATTER.

7 20-317.

8 WITHIN 5 DAYS AFTER THE SECRETARY SUSPENDS OR REVOKES THE LICENSE
9 OF A PERSON, THE PERSON SHALL SURRENDER TO THE SECRETARY THE AGENCY
10 LICENSE CERTIFICATE AND EACH BRANCH OFFICE CERTIFICATE ISSUED TO THE
11 PERSON.

12 20-318.

13 WHEN THE SECRETARY MAKES A DETERMINATION TO SUSPEND OR REVOKE
14 THE LICENSE OF A PRIVATE HOME DETENTION MONITORING AGENCY, THE
15 SECRETARY SHALL IMMEDIATELY NOTIFY:

16 (1) THE ADMINISTRATIVE JUDGE FOR THE CIRCUIT COURT IN EACH OF
17 THE COUNTIES WHERE THE PRIVATE HOME DETENTION MONITORING AGENCY
18 MONITORS DEFENDANTS INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT
19 REQUIRES MONITORING BY A PRIVATE HOME DETENTION MONITORING AGENCY;
20 AND

21 (2) THE ADMINISTRATIVE JUDGE FOR THE DISTRICT COURT OF
22 ~~MARYLAND IN THE COUNTIES~~ IN EACH OF THE DISTRICTS WHERE THE PRIVATE
23 HOME DETENTION MONITORING AGENCY MONITORS ~~DEFENDANTS INDIVIDUALS~~
24 WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE
25 HOME DETENTION MONITORING AGENCY.

26 SUBTITLE 4. RESPONSIBILITIES OF PRIVATE HOME DETENTION MONITORING
27 AGENT AGENCY.

28 20-401.

29 (A) A PRIVATE HOME DETENTION MONITORING AGENCY SHALL:

30 (1) MONITOR INDIVIDUALS IN ACCORDANCE WITH ANY APPLICABLE
31 ORDERS OF COURT;

32 ~~(1)~~ (2) MONITOR 24 HOURS A DAY AND 7 DAYS A WEEK A ~~DEFENDANT~~
33 ~~WHO IS SUBJECT TO PRIVATE HOME DETENTION MONITORING UNDER THE~~
34 ~~PROVISIONS OF ARTICLE 27, § 616 1/2(M) OF THE CODE AS A CONDITION OF PRETRIAL~~
35 ~~RELEASE~~ INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT REQUIRES
36 MONITORING BY A PRIVATE HOME DETENTION MONITORING AGENCY; AND

SUBTITLE 6. BOND AND INSURANCE REQUIREMENTS.

2 ~~20-502-20-601.~~

3 (A) (1) SUBJECT TO THIS SECTION, AN APPLICANT FOR A LICENSE SHALL
4 EXECUTE A BOND THAT IS CONDITIONED ON THE FAITHFUL AND HONEST CONDUCT
5 OF THE APPLICANT AND RUNS TO THE STATE FOR THE BENEFIT OF ANY PERSON
6 INJURED BY ANY WRONGFUL ACT OF THE APPLICANT THAT IS WILLFUL OR
7 MALICIOUS.

8 (2) THE APPLICANT SHALL SUBMIT THE BOND TO THE SECRETARY WITH
9 THE LICENSE APPLICATION.

10 (B) (1) THE AMOUNT OF THE BOND REQUIRED UNDER SUBSECTION (A) OF
11 THIS SECTION SHALL BE AT LEAST \$2,500.

12 (2) THE TOTAL LIABILITY OF THE SURETY TO ALL INSURED PERSONS
13 UNDER THE BOND MAY NOT EXCEED THE PENAL SUM OF THE BOND.

14 (C) A LICENSEE SHALL KEEP IN EFFECT AT ALL TIMES A BOND THAT MEETS
15 THE REQUIREMENTS OF THIS SECTION.

16 (D) IF A LICENSEE'S BOND IS CANCELED, FORFEITED, OR TERMINATED BY
17 THE SURETY, THE SURETY IMMEDIATELY SHALL NOTIFY THE SECRETARY.

18 (E) IF A SURETY FAILS TO NOTIFY THE SECRETARY AS REQUIRED BY THIS
19 SUBSECTION, THE BOND SHALL CONTINUE IN EFFECT UNTIL THE NOTICE IS GIVEN
20 TO THE SECRETARY.

21 ~~20-503-20-602.~~

22 ~~(A) A PRIVATE HOME DETENTION MONITORING AGENCY SHALL:~~

23 ~~(1) MAINTAIN GENERAL LIABILITY INSURANCE IN AN AMOUNT NOT~~
24 ~~LESS THAN \$50,000; AND~~

25 ~~(2) SUBMIT PROOF OF THE REQUIRED INSURANCE TO THE SECRETARY.~~

26 ~~(B) THE SECRETARY MAY NOT ISSUE A LICENSE TO AN APPLICANT UNLESS~~
27 ~~THE APPLICANT SUBMITS PROOF OF THE INSURANCE REQUIRED IN SUBSECTION (A)~~
28 ~~OF THIS SECTION.~~

29 ~~(C) IF THE INSURANCE REQUIRED FOR A PRIVATE HOME DETENTION~~
30 ~~MONITORING AGENCY UNDER THIS SECTION IS CANCELED, FORFEITED, OR~~
31 ~~OTHERWISE TERMINATED, BOTH THE PRIVATE HOME DETENTION MONITORING~~
32 ~~AGENCY AND THE INSURER SHALL NOTIFY THE SECRETARY.~~

33 (A) THE SECRETARY MAY ADOPT REGULATIONS REQUIRING A PRIVATE HOME
34 DETENTION MONITORING AGENCY TO MAINTAIN A SPECIFIC MINIMUM AMOUNT OF
35 GENERAL LIABILITY INSURANCE.

1 (B) IF THE SECRETARY ADOPTS REGULATIONS UNDER SUBSECTION (A) OF
2 THIS SECTION, A PRIVATE HOME DETENTION MONITORING AGENCY SHALL:

3 (1) SUBMIT PROOF OF THE INSURANCE TO THE SECRETARY; AND

4 (2) NOTIFY THE SECRETARY IF THE INSURANCE IS CANCELED,
5 FORFEITED, OR OTHERWISE TERMINATED.

6 (C) IF THE SECRETARY ADOPTS REGULATIONS UNDER SUBSECTION (A) OF
7 THIS SECTION, THE SECRETARY MAY NOT ISSUE A LICENSE TO AN APPLICANT
8 UNLESS THE APPLICANT SUBMITS PROOF OF THE INSURANCE REQUIRED BY
9 REGULATION.

10 SUBTITLE ~~6.~~ 7. PROHIBITED ACTS; PENALTIES.

11 ~~20-601-20-701.~~

12 (A) A PERSON MAY NOT OPERATE A PRIVATE HOME DETENTION MONITORING
13 AGENCY IN THE STATE UNLESS THE SECRETARY HAS ISSUED A LICENSE TO THE
14 PERSON.

15 (B) A PERSON WHO WILLFULLY AND KNOWINGLY VIOLATES THIS TITLE IS
16 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
17 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

18 SECTION 2. AND BE IT FURTHER ENACTED, That a person operating a
19 private home detention monitoring agency on the effective date of this Act shall
20 register with the Secretary of Public Safety and Correctional Services prior to August
21 1, 1998. A person so registered shall be granted a waiver from the licensing
22 requirements of this Act until June 30, 1999.

23 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
24 Public Safety and Correctional Services shall report to the Governor and the General
25 Assembly on or before July 1, 2000, in accordance with § 2-1246 of the State
26 Government Article, on the cost of administering the provisions of this Act.

27 SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect July 1, 1998.