

SENATE BILL 633

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1998 Regular Session
8lr6197

By: **Senators Green, Colburn, Forehand, Hughes, Jimeno, Kelley, Trotter, Currie, and McCabe**

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 **~~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
17 history records checks for license applicants and potential private home
18 detention monitors; requiring license applicants and potential private home
19 detention monitors to submit their fingerprints and certain fees to the Criminal
20 Justice Information System Central Repository; limiting the use and
21 dissemination of the findings of the criminal history records checks; establishing
22 a procedure for challenging the findings of the criminal history records checks;
23 providing a penalty for certain acts; providing for the effective date of this Act
24 and for a certain exception; and generally relating to the operation of private
25 home detention monitoring agencies.

26 BY adding to

1 Article 27 - Crimes and Punishments
 2 Section 616 1/2(m)
 3 Annotated Code of Maryland
 4 (1996 Replacement Volume and 1997 Supplement)

5 BY adding to
 6 Article - Business Occupations and Professions
 7 Section 20-101 through ~~20-601~~ 20-701 to be under the new title "Title 20.
 8 Private Home Detention"
 9 Annotated Code of Maryland
 10 (1995 Replacement Volume and 1997 Supplement)

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

13 **Article 27 - Crimes and Punishments**

14 616 1/2.

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

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

23 **Article - Business Occupations and Professions**

24 TITLE 20. PRIVATE HOME DETENTION.

25 SUBTITLE 1. DEFINITIONS.

26 20-101.

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

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

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

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

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

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

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

26 SUBTITLE 2. DUTIES OF SECRETARY.

27 20-201.

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

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

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

37 ~~(3)~~ (2) MINIMUM TRAINING AND EXPERIENCE REQUIREMENTS FOR AN
 38 ~~APPLICANT FOR A PRIVATE HOME DETENTION MONITORING AGENCY LICENSE~~
 39 LICENSEE AND FOR A PRIVATE HOME DETENTION MONITOR; ~~AND~~

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

4 (B) THE SECRETARY SHALL:

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

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

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

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

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

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

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

18 (I) THE ADMINISTRATIVE JUDGE FOR THE DISTRICT COURT IN
19 EACH DISTRICT;

20 (II) THE ADMINISTRATIVE JUDGE FOR THE CIRCUIT COURT IN
21 EACH COUNTY; AND

22 (III) THE ADMINISTRATIVE OFFICE OF THE COURTS.

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

26 SUBTITLE 3. LICENSING.

27 20-301.

28 A PERSON SHALL BE LICENSED BY THE SECRETARY AS A PRIVATE HOME
29 DETENTION MONITORING AGENCY BEFORE OPERATING A BUSINESS THAT
30 ~~MONITORS DEFENDANTS SUBJECT TO PRIVATE HOME DETENTION MONITORING~~
31 ~~UNDER THE PROVISIONS OF ARTICLE 27, § 616 1/2(M) OF THE CODE AS A CONDITION~~
32 ~~OF PRETRIAL RELEASE PROVIDES MONITORING SERVICES FOR A FEE TO~~
33 INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A
34 PRIVATE HOME DETENTION MONITORING AGENCY.

1 20-302.

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

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

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

9 20-303.

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

11 (I) AN APPLICATION ON THE FORM THAT THE SECRETARY
12 PROVIDES; AND

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

14 (2) THE APPLICATION FEE IS NONREFUNDABLE.

15 (B) (1) THE APPLICATION FORM PROVIDED BY THE SECRETARY SHALL
16 CONTAIN A STATEMENT ADVISING THE APPLICANT THAT WILLFULLY MAKING A
17 FALSE STATEMENT ON AN APPLICATION IS A MISDEMEANOR, SUBJECT TO A FINE OR
18 IMPRISONMENT OR BOTH, AS PROVIDED UNDER ~~§ 20-604~~ § 20-701 OF THIS TITLE.

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

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

22 (1) THE NAME, DATE OF BIRTH, AND RESIDENCE ADDRESS OF THE
23 APPLICANT;

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

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

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

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

32 (D) AN APPLICANT FOR A LICENSE SHALL SUBMIT WITH THE APPLICATION
33 FORM:

1 (1) A BOND IN ACCORDANCE WITH THE REQUIREMENTS OF § 20-502 OF
2 THIS TITLE; AND

3 (2) PROOF OF LIABILITY INSURANCE, AS REQUIRED UNDER § 20-503 OF
4 THIS TITLE.

5 20-304.

6 BEFORE AN INDIVIDUAL MAY BEGIN WORKING AS A PRIVATE HOME
7 DETENTION MONITOR:

8 (1) THE PRIVATE HOME DETENTION MONITORING AGENCY SHALL
9 SUBMIT TO THE SECRETARY, ON THE FORM THAT THE SECRETARY PROVIDES, THE
10 NAME OF THE INDIVIDUAL; AND

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

13 20-305.

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

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

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

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

27 (2) PROCESS THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS
28 CHECKS AND FORWARD TO THE SECRETARY A PRINTED STATEMENT LISTING A
29 CRIMINAL CONVICTION, PROBATION BEFORE JUDGMENT DISPOSITION, ~~OR~~ NOT
30 CRIMINALLY RESPONSIBLE DISPOSITION, OR PENDING ~~CHARGE~~ CHARGES FOR A
31 CRIMINAL OFFENSE; AND

32 (3) PROCESS AN UPDATE OF THE INITIAL STATE CRIMINAL HISTORY
33 RECORDS CHECK AND FORWARD TO THE SECRETARY A REVISED PRINTED
34 STATEMENT LISTING A CRIMINAL CONVICTION, PROBATION BEFORE JUDGMENT
35 DISPOSITION, ~~OR~~ NOT CRIMINALLY RESPONSIBLE DISPOSITION, OR PENDING
36 CHARGES FOR A CRIMINAL OFFENSE OCCURRING IN THE STATE AFTER THE DATE OF
37 THE INITIAL CRIMINAL HISTORY RECORDS CHECK.

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

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

6 (2) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL
7 BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK;
8 AND

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

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

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

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

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

24 (II) BE REDISSEMINATED.

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

28 20-306.

29 (A) THIS SECTION APPLIES TO AN INDIVIDUAL REQUIRED TO APPLY FOR
30 STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS UNDER THIS
31 SUBTITLE.

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

35 (C) (1) IN CONTESTING THE FINDING OF A CONVICTION OR A PENDING
36 CHARGE, THE INDIVIDUAL SHALL CONTACT THE OFFICE OF THE SECRETARY, OR A

1 DESIGNEE OF THE SECRETARY, AND A HEARING SHALL BE CONVENED WITHIN 20
2 WORKDAYS, UNLESS SUBSEQUENTLY WAIVED BY THE ELIGIBLE EMPLOYEE.

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

6 (D) (1) FOR THE PURPOSES OF THIS SUBTITLE, THE RECORD OF A
7 CONVICTION FOR A CRIME OR A COPY OF THE RECORD CERTIFIED BY THE CLERK OF
8 THE COURT OR BY A JUDGE OF THE COURT IN WHICH THE CONVICTION OCCURRED
9 SHALL BE CONCLUSIVE EVIDENCE OF THE CONVICTION.

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

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

16 20-307.

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

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

23 (II) FOR EACH ADDITIONAL OFFICE THE PRIVATE DETENTION
24 MONITORING AGENCY PROPOSES TO OPERATE, THE SECRETARY SHALL ISSUE A
25 BRANCH OFFICE CERTIFICATE.

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

28 (I) THE FULL NAME OF THE LICENSEE;

29 (II) THE LOCATION OF THE ~~PRINCIPAL OFFICE PRIVATE HOME~~
30 ~~DETENTION MONITORING AGENCY AND OF EACH BRANCH OFFICE OF THE LICENSED~~
31 ~~PRIVATE HOME DETENTION MONITORING AGENCY, IF ANY;~~

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

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

34 (2) THE SECRETARY SHALL INCLUDE ON EACH A BRANCH OFFICE
35 CERTIFICATE:

36 (I) THE FULL NAME OF THE LICENSEE;

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

3 (III) THE DATE OF ISSUANCE OF THE BRANCH OFFICE CERTIFICATE;
4 AND

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

6 20-308.

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

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

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

17 ~~(3)~~ (2) EMPLOY QUALIFIED INDIVIDUALS TO WORK AS PRIVATE HOME
18 DETENTION MONITORS ON BEHALF OF THE LICENSEE.

19 20-309.

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

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

24 (1) A RENEWAL APPLICATION FORM; AND

25 (2) A NOTICE THAT STATES:

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

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

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

31 (IV) THAT THE SUBMISSION OF A FALSE STATEMENT IN THE
32 RENEWAL APPLICATION OR IN THE ANNUAL STATEMENTS IS CAUSE FOR
33 REVOCATION OF THE LICENSE.

1 (C) THE SECRETARY SHALL RENEW THE LICENSE OF EACH LICENSEE WHO
2 SATISFIES THE REQUIREMENTS OF THIS TITLE AND ANY REGULATIONS ADOPTED
3 UNDER THIS TITLE.

4 20-310.

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

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

11 (2) A CERTIFICATION OR, AS AUTHORIZED BY THE SECRETARY, OTHER
12 DOCUMENTATION THAT THE LICENSED PRIVATE HOME DETENTION MONITORING
13 AGENCY HAS PAID, FOR THE PAST 2 YEARS, ALL OTHER OBLIGATIONS PAYABLE FOR
14 ~~THE EMPLOYEES OF THE LICENSED PRIVATE HOME DETENTION MONITORING~~
15 ~~AGENCY TO THE STATE OR THE FEDERAL GOVERNMENT EMPLOYERS ARE REQUIRED~~
16 TO PAY ON BEHALF OF THEIR EMPLOYEES TO THE STATE OR FEDERAL
17 GOVERNMENT;

18 ~~(3) A CERTIFICATE FROM AN INSURANCE CARRIER OR, AS AUTHORIZED~~
19 ~~BY THE SECRETARY, OTHER DOCUMENTATION SHOWING THAT THE LICENSED~~
20 ~~PRIVATE HOME DETENTION MONITORING AGENCY HAS IN EFFECT WORKERS'~~
21 ~~COMPENSATION INSURANCE FOR ITS COVERED EMPLOYEES, AS DEFINED IN § 9-101~~
22 ~~OF THE LABOR AND EMPLOYMENT ARTICLE;~~

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

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

31 (5) (I) A BOND IN ACCORDANCE WITH THE REQUIREMENTS OF §
32 ~~20-502~~ § 20-601 OF THIS TITLE; AND

33 (II) PROOF OF LIABILITY INSURANCE, AS REQUIRED UNDER §
34 ~~20-503~~ § 20-602 OF THIS TITLE; AND

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

1 (4) ~~THE CHIEF OF THE PRIMARY LAW ENFORCEMENT AGENCY IN~~
2 ~~EACH COUNTY WHERE THE PRIVATE HOME DETENTION MONITORING AGENCY~~
3 ~~MONITORS DEFENDANTS;~~

4 (4) (1) THE ADMINISTRATIVE JUDGE FOR ~~EACH THE~~ CIRCUIT
5 COURT IN ~~EACH OF THE COUNTIES~~ WHERE THE PRIVATE HOME DETENTION
6 MONITORING AGENCY MONITORS ~~DEFENDANTS~~ INDIVIDUALS WHO ARE UNDER A
7 COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE HOME DETENTION
8 MONITORING AGENCY; AND

9 (4) (II) THE ADMINISTRATIVE JUDGE FOR THE DISTRICT COURT
10 ~~OF MARYLAND IN THE COUNTIES~~ IN EACH OF THE DISTRICTS WHERE THE PRIVATE
11 HOME DETENTION MONITORING AGENCY MONITORS ~~DEFENDANTS~~ INDIVIDUALS
12 WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE
13 HOME DETENTION MONITORING AGENCY.

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

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

21 20-311.

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

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

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

27 (2) RELATE TO ~~DEFENDANTS~~ INDIVIDUALS MONITORED ~~IN THE COUNTY~~
28 BY THE LICENSEE.

29 20-312.

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

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

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

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

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

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

3 (C) THE SECRETARY SHALL ISSUE A NEW AGENCY LICENSE CERTIFICATE
4 AND, IF APPLICABLE, A NEW BRANCH OFFICE CERTIFICATE, BOTH OF WHICH SHALL
5 SET FORTH THE SAME EXPIRATION DATE AS THE ORIGINAL AGENCY LICENSE
6 CERTIFICATE.

7 20-313.

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

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

11 (2) THE BRANCH OFFICE CERTIFICATE IN THE AGENCY BRANCH OFFICE
12 FOR WHICH THE CERTIFICATE WAS ISSUED.

13 (B) (1) IF AN AGENCY LICENSE CERTIFICATE OR BRANCH OFFICE
14 CERTIFICATE IS LOST OR DESTROYED, THE LICENSEE IMMEDIATELY SHALL NOTIFY
15 THE SECRETARY.

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

19 20-314.

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

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

25 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

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

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

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

32 (6) HAS A CRIMINAL CONVICTION, A PROBATION BEFORE JUDGMENT
33 DISPOSITION, ~~OR~~ A NOT CRIMINALLY RESPONSIBLE DISPOSITION, ~~OR HAS~~ PENDING
34 CHARGES FOR A CRIMINAL OFFENSE;

1 (7) KNOWINGLY EMPLOYS OR KNOWINGLY CONTINUES TO EMPLOY A
2 PRIVATE HOME DETENTION MONITOR AFTER BEING NOTIFIED BY THE SECRETARY
3 THAT THE INDIVIDUAL HAS A CRIMINAL CONVICTION, A PROBATION BEFORE
4 JUDGMENT DISPOSITION, ~~OR~~ A NOT CRIMINALLY RESPONSIBLE DISPOSITION, OR
5 ~~HAS~~ PENDING CHARGES FOR A CRIMINAL OFFENSE;

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

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

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

14 (11) FAILS TO MAINTAIN THE LIABILITY INSURANCE REQUIRED UNDER §
15 ~~20-503~~ § 20-602 OF THIS TITLE;

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

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

18 (B) FOR PURPOSES OF THIS SECTION, AN ACT OR OMISSION OF ANY
19 PRINCIPAL, AGENT, OR EMPLOYEE OF AN APPLICANT OR LICENSEE MAY BE
20 CONSTRUED TO BE THE ACT OR OMISSION OF THE APPLICANT OR LICENSEE, AS
21 WELL AS OF THE PRINCIPAL, AGENT, OR EMPLOYEE.

22 20-315.

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

26 (2) IF A COMPLAINT IS MADE BY ANY PERSON OTHER THAN THE
27 SECRETARY, THE COMPLAINT SHALL BE MADE UNDER OATH BY THE PERSON WHO
28 SUBMITS THE COMPLAINT.

29 (3) A COMPLAINT SHALL:

30 (I) BE IN WRITING;

31 (II) BE SIGNED BY THE COMPLAINANT; AND

32 (III) STATE SPECIFICALLY THE FACTS ON WHICH THE COMPLAINT
33 IS BASED.

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

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

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

9 20-316.

10 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
11 GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES FINAL ACTION UNDER §
12 20-314 OF THIS SUBTITLE, THE SECRETARY SHALL GIVE THE PERSON AGAINST
13 WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE
14 THE SECRETARY.

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

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

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

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

23 20-317.

24 WITHIN 5 DAYS AFTER THE SECRETARY SUSPENDS OR REVOKES THE LICENSE
25 OF A PERSON, THE PERSON SHALL SURRENDER TO THE SECRETARY THE AGENCY
26 LICENSE CERTIFICATE AND EACH BRANCH OFFICE CERTIFICATE ISSUED TO THE
27 PERSON.

28 20-318.

29 WHEN THE SECRETARY MAKES A DETERMINATION TO SUSPEND OR REVOKE
30 THE LICENSE OF A PRIVATE HOME DETENTION MONITORING AGENCY, THE
31 SECRETARY SHALL IMMEDIATELY NOTIFY:

32 (1) THE ADMINISTRATIVE JUDGE FOR THE CIRCUIT COURT IN EACH OF
33 THE COUNTIES WHERE THE PRIVATE HOME DETENTION MONITORING AGENCY
34 MONITORS ~~DEFENDANTS~~ INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT
35 REQUIRES MONITORING BY A PRIVATE HOME DETENTION MONITORING AGENCY;
36 AND

1 (2) THE ADMINISTRATIVE JUDGE FOR THE DISTRICT COURT OF
 2 ~~MARYLAND IN THE COUNTIES IN EACH OF THE DISTRICTS~~ WHERE THE PRIVATE
 3 HOME DETENTION MONITORING AGENCY MONITORS DEFENDANTS INDIVIDUALS
 4 WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE
 5 HOME DETENTION MONITORING AGENCY.

6 SUBTITLE 4. RESPONSIBILITIES OF HOME DETENTION MONITORING AGENCY
 7 AGENCY.

8 20-401.

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

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

15 (2) UTILIZE ELECTRONIC MONITORING EQUIPMENT OR OTHER
 16 MONITORING METHODS THAT MEETS MEET OR EXCEEDS EXCEED STANDARDS
 17 ESTABLISHED IN REGULATIONS BY THE SECRETARY.

18 ~~(B) IMMEDIATELY FOLLOWING THE COURT'S DECISION TO REQUIRE THAT A~~
 19 ~~DEFENDANT BE MONITORED BY A LICENSED PRIVATE HOME DETENTION~~
 20 ~~MONITORING AGENCY AS A CONDITION OF PRETRIAL RELEASE, THE AGENCY SHALL:~~

21 ~~(1) ESCORT THE DEFENDANT TO THE HOME WHERE THE DEFENDANT~~
 22 ~~WILL BE MONITORED; AND~~

23 ~~(2) INSTALL THE ELECTRONIC MONITORING EQUIPMENT AND ENSURE~~
 24 ~~THAT IT IS WORKING PROPERLY.~~

25 ~~(C) WITHIN 24 HOURS OF THE COURT'S DECISION, A PRIVATE HOME~~
 26 ~~DETENTION MONITORING AGENCY WITH THE RESPONSIBILITY TO MONITOR A~~
 27 ~~DEFENDANT UNDER THE PROVISIONS OF ARTICLE 27, § 616 1/2(M) OF THE CODE~~
 28 ~~SHALL NOTIFY THE PRIMARY LAW ENFORCEMENT AGENCY IN THE COUNTY WHERE~~
 29 ~~THE DEFENDANT WILL BE MONITORED THAT THE COURT HAS ORDERED PRIVATE~~
 30 ~~HOME DETENTION MONITORING AS A CONDITION OF THE DEFENDANT'S PRETRIAL~~
 31 ~~RELEASE.~~

32 ~~(D)~~ (B) (1) UPON DETERMINING THAT A DEFENDANT SUBJECT TO
 33 PRIVATE HOME DETENTION MONITORING UNDER THE PROVISIONS OF ARTICLE 27, §
 34 616 1/2(M) OF THE CODE HAS BEEN MISSING FOR 24 HOURS, THE PRIVATE HOME
 35 DETENTION MONITORING AGENCY RESPONSIBLE FOR MONITORING THE
 36 DEFENDANT SHALL IMMEDIATELY, ON THE NEXT BUSINESS DAY, NOTIFY THE COURT
 37 THAT ORDERED PRIVATE HOME DETENTION MONITORING AS A CONDITION OF THE
 38 DEFENDANT'S PRETRIAL RELEASE.

1 (2) IF THE COURT THAT ORDERED PRIVATE DETENTION MONITORING AS
2 A CONDITION OF A DEFENDANT'S PRETRIAL RELEASE UNDER THE PROVISIONS OF
3 ARTICLE 27, § 616 1/2(M) OF THE CODE REQUESTS THAT IT BE NOTIFIED IF THE
4 DEFENDANT VIOLATES ANY ~~OF THE OTHER~~ CONDITIONS OF PRETRIAL RELEASE, THE
5 PRIVATE HOME DETENTION MONITORING AGENCY RESPONSIBLE FOR MONITORING
6 THE DEFENDANT SHALL PROVIDE THE COURT WITH THE REQUESTED NOTICE.

7 (C) UPON DETERMINING THAT AN INDIVIDUAL WHO IS SUBJECT TO PRIVATE
8 HOME DETENTION MONITORING AS A CONDITION OF PROBATION HAS BEEN MISSING
9 FOR 24 HOURS, THE PRIVATE HOME DETENTION MONITORING AGENCY RESPONSIBLE
10 FOR MONITORING THE INDIVIDUAL SHALL, ON THE NEXT BUSINESS DAY, NOTIFY
11 THE DIVISION OF PAROLE AND PROBATION.

12 SUBTITLE 5. ~~BOND REQUIREMENTS~~ AGENCY RESPONSIBILITY.

13 20-501.

14 A LICENSED PRIVATE HOME DETENTION MONITORING AGENCY IS
15 RESPONSIBLE FOR THE ACTS OF EACH OF ITS EMPLOYEES WHILE THE EMPLOYEE IS
16 CONDUCTING THE BUSINESS OF THE AGENCY.

17 SUBTITLE 6. BOND AND INSURANCE REQUIREMENTS.

18 ~~20-502.~~ 20-601.

19 (A) (1) SUBJECT TO THIS SECTION, AN APPLICANT FOR A LICENSE SHALL
20 EXECUTE A BOND THAT IS CONDITIONED ON THE FAITHFUL AND HONEST CONDUCT
21 OF THE APPLICANT AND RUNS TO THE STATE FOR THE BENEFIT OF ANY PERSON
22 INJURED BY ANY WRONGFUL ACT OF THE APPLICANT THAT IS WILLFUL OR
23 MALICIOUS.

24 (2) THE APPLICANT SHALL SUBMIT THE BOND TO THE SECRETARY WITH
25 THE LICENSE APPLICATION.

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

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

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

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

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

1 ~~20-503-20-602.~~

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

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

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

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

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

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

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

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

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

21 (C) IF THE SECRETARY ADOPTS REGULATIONS UNDER SUBSECTION (A) OF
22 THIS SECTION, THE SECRETARY MAY NOT ISSUE A LICENSE TO AN APPLICANT
23 UNLESS THE APPLICANT SUBMITS PROOF OF THE INSURANCE REQUIRED BY
24 REGULATION.

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

26 ~~20-601-20-701.~~

27 (A) A PERSON MAY NOT OPERATE A PRIVATE HOME DETENTION MONITORING
28 AGENCY IN THE STATE UNLESS THE SECRETARY HAS ISSUED A LICENSE TO THE
29 PERSON.

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

33 SECTION 2. AND BE IT FURTHER ENACTED, That a person operating a
34 private home detention monitoring agency on the effective date of this Act shall
35 register with the Secretary of Public Safety and Correctional Services prior to August

1 1, 1998. A person so registered shall be granted a waiver from the licensing
2 requirements of this Act until June 30, 1999.

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