

HOUSE BILL 205

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E4  
SB 187/98 - JPR

1999 Regular Session  
9r0969

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By: **Harford County Delegation**

Introduced and read first time: February 1, 1999

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Harford County - Correctional Facilities - Work Release - Eligibility**

3 FOR the purpose of prohibiting individuals who have been convicted of certain types  
4 of sexual offenses in Harford County from participating in certain employment,  
5 training, and rehabilitation programs; and generally relating to correctional  
6 facilities and work release in Harford County.

7 BY repealing and reenacting, with amendments,  
8 Article - Correctional Services  
9 Section 11-714  
10 Annotated Code of Maryland  
11 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
12 1999)

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

15 **Article - Correctional Services**

16 11-714.

17 (a) This section applies only in Harford County.

18 (b) (1) [At] SUBJECT TO SUBSECTION (C) OF THIS SECTION, AT the time of  
19 sentencing or at any time during an individual's confinement, the sentencing judge  
20 may allow an individual who is convicted of a crime and sentenced to imprisonment in  
21 a local correctional facility to participate in one of the activities specified in paragraph  
22 (2) of this subsection during the individual's confinement.

23 (2) An inmate who is allowed to do so under paragraph (1) of this  
24 subsection may:

25 (i) continue regular employment;

26 (ii) obtain new employment;

1 (iii) participate in a training or rehabilitation program; or

2 (iv) attend an educational institution in the County.

3 (3) (i) The sentencing judge may require that the inmate comply with  
4 the terms and conditions that the judge considers appropriate.

5 (ii) The inmate's participation in an authorized activity may not  
6 affect the length of the inmate's sentence.

7 (c) AN INDIVIDUAL IS NOT ELIGIBLE TO PARTICIPATE IN THE ACTIVITIES  
8 SPECIFIED IN SUBSECTION (B)(2) OF THIS SECTION IF THE INDIVIDUAL HAS BEEN  
9 FOUND GUILTY OF THE CRIME OF:

10 (1) FIRST OR SECOND DEGREE RAPE UNDER ARTICLE 27, § 462 OR § 463  
11 OF THE CODE;

12 (2) FIRST OR SECOND DEGREE SEXUAL OFFENSE UNDER ARTICLE 27, §  
13 464 OR § 464A OF THE CODE;

14 (3) CHILD ABUSE UNDER ARTICLE 27, § 35C OF THE CODE;

15 (4) ATTEMPTED RAPE OR SEXUAL OFFENSE UNDER ARTICLE 27, § 464F  
16 OF THE CODE; OR

17 (5) CONSPIRACY TO COMMIT ANY OF THE OFFENSES LISTED IN  
18 PARAGRAPHS (1) THROUGH (4) OF THIS SUBSECTION.

19 (D) (1) The County government shall cooperate in and provide fiscal support  
20 for a work release program as provided under subsection (b) of this section.

21 (2) Subject to subsection (b) of this section, an inmate of a local  
22 correctional facility who participates in the work release program may leave actual  
23 confinement:

24 (i) at necessary and reasonable times, to work at gainful, private  
25 employment; or

26 (ii) under appropriate conditions, to seek gainful, private  
27 employment.

28 (3) Unless the committing court directs otherwise, an inmate shall be  
29 confined in the local correctional facility when not participating in the work release  
30 program.

31 (4) An inmate who participates in the work release program shall  
32 surrender to the Sheriff:

33 (i) a reasonable fee, as determined by the Sheriff, for the cost of  
34 providing food, lodging, and clothing for the inmate;

1 (ii) the actual cost of necessary food, travel, and other expenses  
2 incidental to the participation by the inmate in the program; and

3 (iii) court-ordered payments for restitution.

4 (5) If an inmate in the work release program violates a trust or a  
5 condition that the court establishes for conduct or employment, the inmate is subject  
6 to:

7 (i) removal from the program; and

8 (ii) cancellation of any earned diminution of the inmate's term of  
9 confinement.

10 (6) The failure of an inmate to comply with the terms of the inmate's  
11 authorization for leave is a violation of Article 27, § 139 of the Code.

12 [(d)] (E) (1) The Sheriff shall:

13 (i) establish and administer a home detention program; and

14 (ii) adopt regulations for the program.

15 (2) At the time of sentencing or at any time during an individual's  
16 confinement, the sentencing judge may allow an individual who is convicted of a  
17 crime and sentenced to imprisonment in a local correctional facility to participate in  
18 the home detention program.

19 (3) Subject to paragraph (4) of this subsection, an inmate is eligible for  
20 the home detention program if:

21 (i) the sentencing judge recommends that the inmate participate in  
22 the program; and

23 (ii) the inmate has no other charges pending in any jurisdiction.

24 (4) An inmate is not eligible for the home detention program if the  
25 inmate:

26 (i) is serving a sentence for a crime of violence; or

27 (ii) has been found guilty of the crime of:

28 1. child abuse under Article 27, § 35C of the Code; or

29 2. escape under Article 27, § 139 of the Code.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 1999.