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By: **Delegates Hubbard, Vallario, Menes, Dembrow, Grosfeld, Montague,  
Giannetti, O'Donnell, Valderrama, K. Kelly, Slade, Kagan, La Vay,  
Owings, Leopold, Turner, Oaks, Pitkin, Hutchins, and Frush**

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Private Home Detention - Minimum System Requirements**

3 FOR the purpose of clarifying certain duties of the Secretary of Public Safety and  
4 Correctional Services with respect to adopting regulations governing minimum  
5 standards for certain equipment for private home detention systems; defining  
6 certain terms; and generally relating to the adoption of regulations by the  
7 Secretary concerning minimum standards for private home detention systems.

8 BY repealing and reenacting, with amendments,  
9 Article - Business Occupations and Professions  
10 Section 20-101 and 20-201(a)  
11 Annotated Code of Maryland  
12 (1995 Replacement Volume and 1998 Supplement)

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

15 **Article - Business Occupations and Professions**

16 20-101.

17 (a) In this title the following words have the meanings indicated.

18 (B) "HOME DETENTION" MEANS A STATUS ORDERED BY THE COURT AS A  
19 CONDITION OF PRE-TRIAL RELEASE, PROBATION, PAROLE, OR OTHER PROGRAM OF  
20 RELEASE TO THE COMMUNITY THAT REQUIRES AN INDIVIDUAL TO BE CONFINED AT  
21 THE INDIVIDUAL'S RESIDENCE AT ALL TIMES OTHER THAN FOR AUTHORIZED AND  
22 MONITORED EMPLOYMENT OR ACTIVITY AS MAY BE ORDERED BY THE COURT OR  
23 ALLOWED BY AN AUTHORIZED AGENT.

24 (C) "INTENSIVE MONITORING" MEANS A STATUS ORDERED BY THE COURT AS  
25 A CONDITION OF PRE-TRIAL RELEASE, PROBATION, PAROLE, OR OTHER PROGRAM OF

1 RELEASE TO THE COMMUNITY THAT REQUIRES ROUTINE DAILY MONITORING OF  
2 THE ACTIVITIES OF THE INDIVIDUAL SUBJECT TO THE COURT ORDER.

3 [(b)] (D) "Private home detention monitor" means an employee of a licensed  
4 private home detention monitoring agency who personally monitors individuals who  
5 are under a court order that requires monitoring by a private home detention  
6 monitoring agency.

7 [(c)] (E) "Private home detention monitoring agency" means a person who  
8 conducts a business that provides monitoring services for a fee to individuals who are  
9 under a court order that requires monitoring by a private home detention monitoring  
10 agency.

11 [(d)] (F) "License" means a license issued by the Secretary to operate a  
12 business that provides monitoring services for a fee to individuals who are under a  
13 court order that requires monitoring by a private home detention monitoring agency.

14 [(e)] (G) "Licensed private home detention monitoring agency" means a  
15 person who is licensed by the Secretary to conduct a business that provides  
16 monitoring services for a fee to individuals who are under a court order that requires  
17 monitoring by a private home detention monitoring agency.

18 [(f)] (H) "Secretary" means the Secretary of Public Safety and Correctional  
19 Services.

20 20-201.

21 (a) In addition to any duties set forth elsewhere, the Secretary shall adopt and  
22 enforce regulations to carry out this title, including regulations that establish:

23 (1) minimum standards for HOME DETENTION electronic equipment  
24 capable of [monitoring 24 hours per day individuals who are under a court order that  
25 requires monitoring by a private home detention monitoring agency]:

26 (I) IMMEDIATE DETECTION OF THE PRESENCE OR ABSENCE OF AN  
27 INDIVIDUAL DURING ANY PERIOD REQUIRED BY COURT ORDER FOR HOME  
28 DETENTION; AND

29 (II) IMMEDIATE REPORTING TO THE PRIVATE HOME DETENTION  
30 MONITORING AGENCY;

31 (2) MINIMUM STANDARDS FOR INTENSIVE MONITORING EQUIPMENT  
32 CAPABLE OF VERIFIED ROUTINE OR RANDOM CONTACT WITH THE INDIVIDUAL;

33 [(2)] (3) minimum training and experience requirements for a private  
34 home detention monitoring agency licensee and for a private home detention monitor;  
35 and

36 [(3)] (4) the minimum number of private home detention monitors that  
37 shall be on duty in relation to the number of defendants being monitored.

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