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By: **Delegates Hubbard, Owings, and Hutchins**  
Introduced and read first time: February 11, 2000  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Private Home Detention**

3 FOR the purpose of prohibiting a court from placing a person in a private home  
4 detention monitoring program unless the court has reviewed the criminal  
5 history of the person and a representative of the monitoring agency that will  
6 monitor the person has appeared before the court; requiring the court to set  
7 certain terms and conditions; requiring a monitoring agency to attach to and  
8 activate certain monitoring devices on a person immediately after a court places  
9 a person in a private home detention program, hold certain discussions with  
10 that person, and make a certain certification to the court; requiring the  
11 monitoring agency to comply with certain terms and conditions set by the court;  
12 providing that the monitoring agency shall not be required to report certain  
13 authorized absences of the person from the person's dwelling; requiring the  
14 monitoring agency to report certain unauthorized absences within a certain  
15 amount of time; requiring that a person in a private home detention monitoring  
16 program remain in the person's dwelling except in certain circumstances;  
17 exempting a person who is in a private home detention monitoring program as a  
18 condition of probation from certain provisions of the Code relating to escape and  
19 contraband in places of confinement; providing for the scope of this Act; defining  
20 a certain term; and generally relating to private home detention programs.

21 BY repealing

22 Article 27 - Crimes and Punishments

23 The subheading designation "Witnesses" immediately preceding the former  
24 Section 620

25 Annotated Code of Maryland

26 (1996 Replacement Volume and 1999 Supplement)

27 BY adding to

28 Article 27 - Crimes and Punishments

29 Section 620 through 623, inclusive, to be under the new subheading "Private  
30 Home Detention"

31 Annotated Code of Maryland

32 (1996 Replacement Volume and 1999 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the subheading designation "Witnesses" immediately preceding  
3 the former Section 620 of Article 27 - Crimes and Punishments of the Annotated Code  
4 of Maryland be repealed.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
6 read as follows:

7 **Article 27 - Crimes and Punishments**

8 **PRIVATE HOME DETENTION**

9 620.

10 (A) FOR THE PURPOSES OF THIS SUBHEADING, "MONITORING AGENCY"  
11 MEANS A LICENSED PRIVATE HOME DETENTION MONITORING AGENCY AS THAT  
12 TERM IS DEFINED IN § 20-101 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS  
13 ARTICLE.

14 (B) THE PROVISIONS OF THIS SUBHEADING DO NOT APPLY TO THE HOME  
15 DETENTION PROGRAM AUTHORIZED UNDER TITLE 3, SUBTITLE 4 OF THE  
16 CORRECTIONAL SERVICES ARTICLE.

17 621.

18 (A) A COURT MAY NOT ORDER A PERSON TO BE PLACED IN A PRIVATE HOME  
19 DETENTION MONITORING PROGRAM UNTIL:

20 (1) THE COURT HAS REVIEWED THE CRIMINAL HISTORY OF THE  
21 PERSON; AND

22 (2) A REPRESENTATIVE OF THE MONITORING AGENCY THAT WILL  
23 MONITOR THE PERSON HAS APPEARED BEFORE THE COURT.

24 (B) THE COURT SHALL SET THE TERMS AND CONDITIONS OF THE  
25 MONITORING OF THE PERSON WHILE THAT PERSON IS IN THE PRIVATE HOME  
26 DETENTION MONITORING PROGRAM.

27 622.

28 (A) IMMEDIATELY AFTER THE COURT ORDERS HOME DETENTION FOR A  
29 PERSON, THE MONITORING AGENCY SHALL:

30 (1) ATTACH TO AND ACTIVATE ANY NECESSARY MONITORING DEVICES  
31 ON THE PERSON;

32 (2) DISCUSS WITH THE PERSON:

33 (I) THE CRIMINAL HISTORY OF THE PERSON;

1 (II) THE RULES AND REGULATIONS OF THE MONITORING AGENCY;  
2 AND

3 (III) THE TERMS AND CONDITIONS OF THE MONITORING OF THE  
4 PERSON SET BY THE COURT; AND

5 (3) CERTIFY TO THE COURT IN WRITING THAT THE MONITORING  
6 AGENCY WILL COMPLY WITH ALL OF THE TERMS AND CONDITIONS SET BY THE  
7 COURT.

8 (B) (1) FOR EACH PERSON MONITORED, THE MONITORING AGENCY SHALL  
9 MAINTAIN A RECORD OF COMPLIANCE WITH THE TERMS AND CONDITIONS SET BY  
10 THE COURT.

11 (2) THE MONITORING AGENCY SHALL NOT BE REQUIRED TO REPORT TO  
12 THE COURT ABSENCES OF THE PERSON FROM THE PERSON'S DWELLING THAT THE  
13 AGENCY HAS AUTHORIZED.

14 (3) IF A PERSON IS ABSENT FROM THE PERSON'S DWELLING FOR 24  
15 HOURS OR MORE AND THE ABSENCE IS UNAUTHORIZED, THE MONITORING AGENCY  
16 SHALL REPORT THE ABSENCE TO THE COURT OR THE LOCAL DIVISION OF PAROLE  
17 AND PROBATION NO LATER THAN THE NEXT BUSINESS DAY.

18 623.

19 (A) WHILE IN A PRIVATE HOME DETENTION MONITORING PROGRAM, A  
20 PERSON SHALL REMAIN IN THE PERSON'S DWELLING EXCEPT:

21 (1) WITH APPROVAL OF THE MONITORING AGENCY, TO GO DIRECTLY TO  
22 AND FROM:

23 (I) THE PERSON'S APPROVED PLACE OF EMPLOYMENT;

24 (II) MEDICAL, MENTAL HEALTH, OR SUBSTANCE ABUSE  
25 TREATMENT;

26 (III) OFFICES OF THE LOCAL PROBATION OR PAROLE AGENCY; AND

27 (IV) OFFICES OF PUBLIC DEFENDER OR DEFENSE COUNSEL OF THE  
28 PERSON;

29 (2) AS REQUIRED BY LEGITIMATE MEDICAL OR OTHER EMERGENCIES;  
30 OR

31 (3) AS OTHERWISE AUTHORIZED BY THE MONITORING AGENCY IN  
32 ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE COURT.

33 (B) A PERSON WHO IS IN A PRIVATE HOME DETENTION MONITORING  
34 PROGRAM AS A RESULT OF PROBATION IS NOT SUBJECT TO THE PROVISIONS OF  
35 ARTICLE 27, §§ 137, 137A, 138, AND 139 OF THE CODE.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2000.