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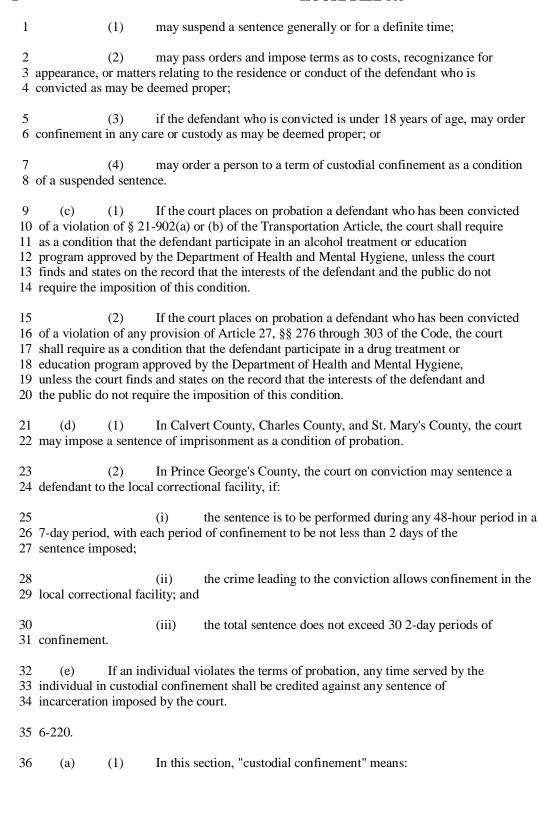
2002 Regular Session 2lr0335

By: Delegate Giannetti Introduced and read first time: February 7, 2002 Assigned to: Judiciary A BILL ENTITLED 1 AN ACT concerning 2 **Criminal Procedure - Sentencing - House Arrest** 3 FOR the purpose of authorizing the court under certain circumstances to order a term of house arrest which requires an individual to remain in a private dwelling at 4 5 all times; and generally relating to sentencing procedures and house arrest. 6 BY repealing and reenacting, with amendments, Article - Criminal Procedure 7 8 Section 6-219, 6-220, and 6-225 9 Annotated Code of Maryland 10 (2001 Volume) 11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 12 MARYLAND, That the Laws of Maryland read as follows: **Article - Criminal Procedure** 13 14 6-219. 15 In this section, "custodial confinement" means: (a) (1) 16 (i) home detention; a corrections options program established under law which 17 (ii) 18 requires the individual to participate in home detention, inpatient treatment, or other 19 similar program involving terms and conditions that constitute the equivalent of 20 confinement; [or] 21 (iii) inpatient drug or alcohol treatment; OR HOUSE ARREST, WHICH REQUIRES THE INDIVIDUAL TO 22 (IV) 23 REMAIN IN A PRIVATE DWELLING AT ALL TIMES.

"Custodial confinement" does not include imprisonment.

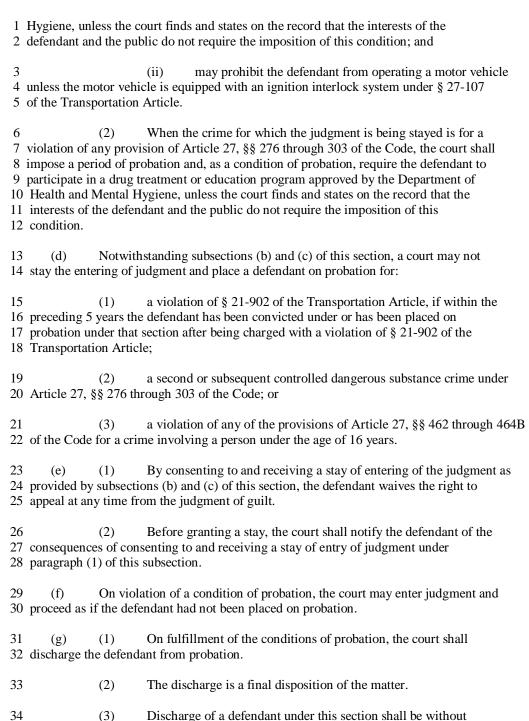
Subject to subsection (c) of this section, a court:

## **HOUSE BILL 865**



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1		(i)	home detention;		
4			a corrections options program established under law which cipate in home detention, inpatient treatment, or other as and conditions that constitute the equivalent of		
6		(iii)	inpatient drug or alcohol treatment; OR		
7 8	REMAIN IN THE D	(IV) WELLIN	HOUSE ARREST, WHICH REQUIRES THE INDIVIDUAL TO G AT ALL TIMES.		
9	(2)	"Custod	ial confinement" does not include imprisonment.		
	of a crime, a court ma	ay stay th	defendant pleads guilty or nolo contendere or is found guilty e entering of judgment, defer further proceedings, and on subject to reasonable conditions if:		
13 14	public welfare would	(i) be serve	the court finds that the best interests of the defendant and the d; and		
15 16	or acceptance of a no	(ii) lo conten	the defendant gives written consent after determination of guilt dere plea.		
17 18	(2) may include an order		to paragraphs (3) and (4) of this subsection, the conditions defendant:		
19 20	or	(i)	pay a fine or monetary penalty to the State or make restitution;		
21 22	voluntary hospital pr	(ii) ogram.	participate in a rehabilitation program, the parks program, or a		
25	(3) Before the court orders a fine, monetary penalty, or restitution, the defendant is entitled to notice and a hearing to determine the amount of the fine, monetary penalty, or restitution, what payment will be required, and how payment will be made.				
27 28	(4) shall be within the an		e or monetary penalty imposed as a condition of probation by law for a violation resulting in conviction.		
29 30	(5) custodial confinemen		ndition of probation, the court may order a person to a term of		
	(c) (1) violation of § 21-902 probation and, as a co	of the Ti	the crime for which the judgment is being stayed is for a cansportation Article, the court shall impose a period of of the probation:		
34 35	treatment or education	(i) on prograi	shall require the defendant to participate in an alcohol n approved by the Department of Health and Mental		



35 judgment of conviction and is not a conviction for the purpose of any disqualification

36 or disability imposed by law because of conviction of a crime.

	(h) In Allegany County, Calvert County, Charles County, Garrett County, Howard County, and St. Mary's County, the court may impose a sentence of imprisonment as a condition of probation.					
	(i) If an individual violates the terms of probation, any time served by the individual in custodial confinement shall be credited against any sentence of incarceration imposed by the court.					
7	6-225.					
8	(a) (1)	In this s	section, "custodial confinement" means:			
9		(i)	home detention;			
10 (ii) a corrections options program established under law which 11 requires the individual to participate in home detention, inpatient treatment, or other 12 similar program involving terms and conditions that constitute the equivalent of 13 confinement; [or]						
14		(iii)	inpatient drug or alcohol treatment; OR			
15 16	REMAIN IN THE II	(IV) NDIVIDU	HOUSE ARREST, WHICH REQUIRES THE INDIVIDUAL TO UAL'S DWELLING AT ALL TIMES.			
17	(2)	"Custod	lial confinement" does not include imprisonment.			
18 19	(b) (1) fine or imprisonmen	(i) t or both.	Probation may be granted whether the crime is punishable by			
20 21		(ii) fine and p	If the crime is punishable by both fine and imprisonment, the blace the defendant on probation as to the imprisonment.			
22 23		(iii) f express	Probation may be limited to one or more counts or indictments limitation, extends to the entire sentence and judgment.			
24 25	reduce the period of	(iv) probation	The court may revoke or modify a condition of probation or may n.			
26 27	a term of custodial c	(v) onfineme	As a condition of probation, the court may order a defendant to ent.			
30	(2) If a sentence of imprisonment is imposed and a part of it is suspended with the defendant placed on probation, the court may impose as a condition of probation that the probation begin on the day the defendant is released from imprisonment.					
34	(c) If the court places on probation a defendant who has been convicted of a violation of any provision of Article 27, §§ 276 through 303 of the Code, the court shall require as a condition that the defendant participate in a drug treatment or education program approved by the Department of Health and Mental Hygiene, unless the court					

- 1 finds and states on the record that the interests of the defendant and the public do not
- 2 require the imposition of this condition.
- 3 (d) In Calvert County, Cecil County, Charles County, Harford County, and St.
- 4 Mary's County, the court may impose a sentence of imprisonment as a condition of
- 5 probation.
- 6 (e) If an individual violates the terms of probation, any time served by the
- 7 individual in custodial confinement shall be credited against any sentence of
- 8 incarceration imposed by the court.
- 9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 10 October 1, 2002.