

HOUSE BILL 1436

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E2

2002 Regular Session
(2lr2832)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Allegany County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Allegany County - Pretrial Release and Work Release Programs**

3 FOR the purpose of ~~requiring~~ authorizing the Sheriff of Allegany County to establish
4 a pretrial release program that offers alternatives to pretrial detention and to
5 adopt certain regulations; authorizing a court to order an individual to
6 participate in the pretrial release program under certain conditions; authorizing
7 the court to make the order at certain times; establishing certain eligibility
8 requirements; authorizing the Sheriff to establish and direct a work release
9 program and to adopt certain guidelines; authorizing the sentencing judge to
10 order at certain times that an inmate participate in the work release program
11 under certain conditions; authorizing certain judges to order an inmate to
12 participate in the work release program; authorizing the court to allow an
13 inmate to leave actual confinement under certain conditions; requiring the
14 Sheriff to collect the earnings of an inmate, make certain deductions from those
15 earnings for certain purposes, and to credit to the inmate's account the
16 remaining balance; making an inmate subject to certain actions if the inmate
17 violates a certain trust or a condition; and generally relating to a pretrial release

1 program and a work release program in Allegany County.

2 BY repealing and reenacting, with amendments,

3 Article - Correctional Services

4 Section 11-702

5 Annotated Code of Maryland

6 (1999 Volume and 2001 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article - Correctional Services**

10 11-702.

11 (a) This section applies only in Allegany County.

12 (B) (1) THE SHERIFF ~~SHALL~~ MAY:

13 (I) ESTABLISH A PRETRIAL RELEASE PROGRAM THAT OFFERS
14 ALTERNATIVES TO PRETRIAL DETENTION; AND

15 (II) ADOPT REGULATIONS TO ADMINISTER THE PROGRAM.

16 (2) A COURT MAY ORDER AN INDIVIDUAL TO PARTICIPATE IN THE
17 PRETRIAL RELEASE PROGRAM IF THE INDIVIDUAL:

18 (I) APPEARS BEFORE THE COURT AFTER BEING CHARGED AND
19 DETAINED ON BOND; AND

20 (II) MEETS THE ELIGIBILITY REQUIREMENTS OF PARAGRAPH (4) OF
21 THIS SUBSECTION.

22 (3) THE COURT MAY MAKE THE ORDER AT THE IMPOSITION OF BOND,
23 ON REVIEW OF BOND, OR ANY OTHER TIME DURING THE INDIVIDUAL'S PRETRIAL
24 DETENTION.

25 (4) AN INDIVIDUAL IS ELIGIBLE FOR THE PRETRIAL RELEASE PROGRAM
26 IF THE INDIVIDUAL:

27 (I) IS RECOMMENDED TO THE COURT FOR PLACEMENT IN THE
28 PROGRAM BY THE PROGRAM STAFF;

29 (II) HAS NO OTHER CHARGES PENDING IN ANY JURISDICTION; AND

30 (III) IS NOT IN DETENTION FOR:

31 1. A CRIME OF VIOLENCE; OR

1 (II) FROM THE EARNINGS OF THE INMATE, THE SHERIFF SHALL
2 DEDUCT AND DISBURSE:

3 1. AN AMOUNT DETERMINED TO BE THE COST TO THE
4 COUNTY FOR FOOD, LODGING, AND CLOTHING FOR THE INMATE;

5 2. THE ACTUAL COST OF NECESSARY FOOD AND TRAVEL
6 AND OTHER EXPENSES INCIDENTAL TO THE INMATE'S PARTICIPATION IN THE
7 PROGRAM;

8 3. ANY AMOUNT A COURT IMPOSES FOR A FINE, COST, OR
9 RESTITUTION;

10 4. ANY AMOUNT THAT THE INMATE IS LEGALLY OBLIGATED
11 OR REASONABLY DESIRES TO PAY FOR SUPPORT OF A DEPENDENT; AND

12 5. IF APPLICABLE, ANY AMOUNT THAT A COURT ORDERS
13 THE INMATE TO REPAY TO THE STATE OR TO THE COUNTY FOR THE SERVICES OF AN
14 ATTORNEY APPOINTED BY THE COURT.

15 (III) THE SHERIFF SHALL:

16 1. CREDIT TO THE INMATE'S ACCOUNT THE REMAINING
17 BALANCE; AND

18 2. DISPOSE OF THE BALANCE IN THE INMATE'S ACCOUNT AS
19 THE INMATE REASONABLY REQUESTS AND AS THE SHERIFF APPROVES.

20 (6) IF AN INMATE VIOLATES A TRUST OR A CONDITION THAT A JUDGE OR
21 THE SHERIFF ESTABLISHES FOR CONDUCT OR EMPLOYMENT, AFTER AN
22 ADMINISTRATIVE HEARING THAT UPHOLDS THE VIOLATION, THE INMATE IS
23 SUBJECT TO:

24 (I) REMOVAL FROM THE WORK RELEASE PROGRAM; AND

25 (II) CANCELLATION OF ANY EARNED DIMINUTION OF THE
26 INMATE'S TERM OF CONFINEMENT.

27 [(b)] (D) (1) The Sheriff shall:

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

29 (ii) adopt regulations for the program.

30 (2) At the time of sentencing or at any time during an individual's
31 confinement, the sentencing judge may allow an individual who is convicted of a
32 crime and sentenced to imprisonment to participate in the home detention program.

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

1 (i) is recommended for the program by the sentencing judge; and

2 (ii) has no other charges pending in any jurisdiction.

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

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

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

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

8 2. escape under Article 27, § 137 of the Code.

9 (5) While participating in the home detention program an inmate is
10 responsible for:

11 (i) the inmate's medical care and related expenses; and

12 (ii) costs of lodging, food, clothing, transportation, restitution, and
13 taxes.

14 (6) The Sheriff may:

15 (i) collect a reasonable fee from each inmate participating in the
16 home detention program; or

17 (ii) waive or reduce the fee.

18 (7) The Sheriff may determine the maximum number of inmates that
19 may participate in the home detention program.

20 (8) An inmate who knowingly violates a term or a condition of the home
21 detention program is subject to the penalties provided under § 11-726 of this subtitle
22 and other disciplinary action provided by law.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2002.