
By: **Allegany County Delegation**

Rules suspended

Introduced and read first time: March 6, 2002

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

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

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

19 BY repealing and reenacting, with amendments,
20 Article - Correctional Services
21 Section 11-702
22 Annotated Code of Maryland
23 (1999 Volume and 2001 Supplement)

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

26 **Article - Correctional Services**

27 11-702.

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

1 (B) (1) THE SHERIFF SHALL:

2 (I) ESTABLISH A PRETRIAL RELEASE PROGRAM THAT OFFERS
3 ALTERNATIVES TO PRETRIAL DETENTION; AND

4 (II) ADOPT REGULATIONS TO ADMINISTER THE PROGRAM.

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

7 (I) APPEARS BEFORE THE COURT AFTER BEING CHARGED AND
8 DETAINED ON BOND; AND

9 (II) MEETS THE ELIGIBILITY REQUIREMENTS OF PARAGRAPH (4) OF
10 THIS SUBSECTION.

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

14 (4) AN INDIVIDUAL IS ELIGIBLE FOR THE PRETRIAL RELEASE PROGRAM
15 IF THE INDIVIDUAL:

16 (I) IS RECOMMENDED TO THE COURT FOR PLACEMENT IN THE
17 PROGRAM BY THE PROGRAM STAFF;

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

19 (III) IS NOT IN DETENTION FOR:

20 1. A CRIME OF VIOLENCE; OR

21 2. THE CRIME OF ESCAPE UNDER ARTICLE 27, § 137 OF THE
22 CODE; AND

23 (IV) RESIDES IN:

24 1. THE STATE;

25 2. HAMPSHIRE COUNTY, MINERAL COUNTY, OR MORGAN
26 COUNTY IN WEST VIRGINIA;

27 3. BEDFORD COUNTY OR SOMERSET COUNTY IN
28 PENNSYLVANIA; OR

29 4. ANOTHER LOCATION WITHIN A DRIVING TIME OF 30
30 MINUTES FROM ALLEGANY COUNTY.

31 (C) (1) THE SHERIFF'S DEPARTMENT MAY:

32 (I) ESTABLISH AND DIRECT A WORK RELEASE PROGRAM; AND

1 (II) ADOPT GUIDELINES FOR THE OPERATION OF THE PROGRAM.

2 (2) (I) AT THE TIME OF SENTENCING OR AT ANY TIME DURING AN
3 INMATE'S CONFINEMENT, THE SENTENCING JUDGE MAY ORDER THAT THE INMATE
4 PARTICIPATE IN THE WORK RELEASE PROGRAM, SUBJECT TO THE GUIDELINES
5 ADOPTED BY THE SHERIFF.

6 (II) IF THE SENTENCING JUDGE IS UNABLE TO ACT AT THE TIME OF
7 AN INMATE'S PETITION FOR WORK RELEASE, ANOTHER JUDGE OF THE COMMITTING
8 COURT MAY ORDER THAT THE INMATE PARTICIPATE IN THE WORK RELEASE
9 PROGRAM.

10 (3) IN ORDERING AN INMATE TO PARTICIPATE IN THE WORK RELEASE
11 PROGRAM, THE COURT MAY ALLOW THE INMATE TO LEAVE ACTUAL CONFINEMENT
12 TO:

13 (I) WORK AT GAINFUL, PRIVATE EMPLOYMENT;

14 (II) SEEK GAINFUL, PRIVATE EMPLOYMENT; OR

15 (III) PARTICIPATE IN AN EDUCATIONAL, REHABILITATIVE, OR
16 TRAINING PROGRAM IN THE COUNTY.

17 (4) UNLESS THE COMMITTING COURT DIRECTS OTHERWISE, AN INMATE
18 SHALL BE CONFINED IN THE DETENTION CENTER WHEN NOT PARTICIPATING IN THE
19 WORK RELEASE PROGRAM.

20 (5) (I) THE SHERIFF OR THE SHERIFF'S DESIGNEE SHALL COLLECT
21 THE EARNINGS OF AN INMATE IN THE WORK RELEASE PROGRAM, LESS PAYROLL
22 DEDUCTIONS REQUIRED BY LAW.

23 (II) FROM THE EARNINGS OF THE INMATE, THE SHERIFF SHALL
24 DEDUCT AND DISBURSE:

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

27 2. THE ACTUAL COST OF NECESSARY FOOD AND TRAVEL
28 AND OTHER EXPENSES INCIDENTAL TO THE INMATE'S PARTICIPATION IN THE
29 PROGRAM;

30 3. ANY AMOUNT A COURT IMPOSES FOR A FINE, COST, OR
31 RESTITUTION;

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

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

1 (III) THE SHERIFF SHALL:

2 1. CREDIT TO THE INMATE'S ACCOUNT THE REMAINING
3 BALANCE; AND

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

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

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

11 (II) CANCELLATION OF ANY EARNED DIMINUTION OF THE
12 INMATE'S TERM OF CONFINEMENT.

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

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

15 (ii) adopt regulations for the program.

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

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

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

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

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

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

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

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

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

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

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

1 (ii) costs of lodging, food, clothing, transportation, restitution, and
2 taxes.

3 (6) The Sheriff may:

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

6 (ii) waive or reduce the fee.

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

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

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