
By: **Allegany County Delegation**

Rules suspended

Introduced and read first time: March 6, 2002

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 11, 2002

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2002

CHAPTER _____

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)

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

3 **Article - Correctional Services**

4 11-702.

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

6 (B) (1) THE SHERIFF SHALL:

7 (I) ESTABLISH A PRETRIAL RELEASE PROGRAM THAT OFFERS
8 ALTERNATIVES TO PRETRIAL DETENTION; AND

9 (II) ADOPT REGULATIONS TO ADMINISTER THE PROGRAM.

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

12 (I) APPEARS BEFORE THE COURT AFTER BEING CHARGED AND
13 DETAINED ON BOND; AND

14 (II) MEETS THE ELIGIBILITY REQUIREMENTS OF PARAGRAPH (4) OF
15 THIS SUBSECTION.

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

19 (4) AN INDIVIDUAL IS ELIGIBLE FOR THE PRETRIAL RELEASE PROGRAM
20 IF THE INDIVIDUAL:

21 (I) IS RECOMMENDED TO THE COURT FOR PLACEMENT IN THE
22 PROGRAM BY THE PROGRAM STAFF;

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

24 (III) IS NOT IN DETENTION FOR:

25 1. A CRIME OF VIOLENCE; OR

26 2. THE CRIME OF ESCAPE UNDER ARTICLE 27, § 137 OF THE
27 CODE; ~~AND~~

28 ~~(IV) RESIDES IN:~~

29 1. ~~THE STATE;~~

30 2. ~~HAMPSHIRE COUNTY, MINERAL COUNTY, OR MORGAN~~
31 ~~COUNTY IN WEST VIRGINIA;~~

1 3. ANY AMOUNT A COURT IMPOSES FOR A FINE, COST, OR
2 RESTITUTION;

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

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

8 (III) THE SHERIFF SHALL:

9 1. CREDIT TO THE INMATE'S ACCOUNT THE REMAINING
10 BALANCE; AND

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

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

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

18 (II) CANCELLATION OF ANY EARNED DIMINUTION OF THE
19 INMATE'S TERM OF CONFINEMENT.

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

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

22 (ii) adopt regulations for the program.

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

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

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

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

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

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

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

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

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

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

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

6 (ii) costs of lodging, food, clothing, transportation, restitution, and
7 taxes.

8 (6) The Sheriff may:

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

11 (ii) waive or reduce the fee.

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

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

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