
By: **Washington County Delegation**
Introduced and read first time: February 7, 2003
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Washington County - Correctional Services - Pretrial and Work Release**
3 **Programs**

4 FOR the purpose of requiring the Sheriff of Washington County to establish pretrial
5 release and work release programs in addition to a home detention program;
6 requiring the Sheriff to adopt regulations implementing each program;
7 providing that the court may recommend individuals in the Sheriff's custody
8 who meet certain eligibility criteria and have no other pending charges in any
9 jurisdiction to participate in any of the programs; establishing that certain
10 individuals incarcerated for or previously convicted of a crime of violence are not
11 eligible to participate in any of the programs; authorize the Sheriff to collect a
12 fee for participation in any of the programs; authorizing the Sheriff to determine
13 the maximum number of participants in the programs; providing penalties for
14 certain violations of any term or condition of any of the programs; and generally
15 relating to pretrial release and work release programs in Washington County.

16 BY repealing and reenacting, with amendments,
17 Article - Correctional Services
18 Section 11-723
19 Annotated Code of Maryland
20 (1999 Volume and 2002 Supplement)

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

23 **Article - Correctional Services**

24 11-723.

- 25 (a) This section applies only in Washington County.
- 26 (b) (1) The Sheriff shall:
- 27 (i) establish and administer:
- 28 1. a home detention program;

- 1 2. A WORK RELEASE PROGRAM; AND
- 2 3. A PRETRIAL RELEASE PROGRAM; and
- 3 (ii) adopt regulations NECESSARY [for the] TO IMPLEMENT EACH
- 4 program ESTABLISHED UNDER THIS SECTION.

5 (2) At the time of sentencing or at any time during an individual's
6 confinement, the [sentencing judge] COURT may allow an individual who is
7 [convicted of a crime and sentenced to imprisonment] PLACED IN THE CUSTODY OF
8 THE SHERIFF to participate in [the home detention] ANY program ESTABLISHED
9 UNDER THIS SECTION.

10 (3) Subject to paragraph (4) of this subsection, an inmate is eligible [for
11 the home detention] TO PARTICIPATE IN ANY program ESTABLISHED UNDER THIS
12 SECTION if the inmate:

- 13 (i) is recommended for the program by the [sentencing judge; and]
- 14 COURT;
- 15 (ii) MEETS ESTABLISHED ELIGIBILITY CRITERIA; AND
- 16 (III) has no other charges pending in any jurisdiction.

17 (4) An inmate is not eligible [for the home detention] TO PARTICIPATE
18 IN ANY program ESTABLISHED UNDER THIS SECTION if the inmate:

- 19 (i) is [serving a sentence for] INCARCERATED FOR OR HAS BEEN
- 20 CONVICTED PREVIOUSLY OF a crime of violence LISTED IN § 14-101 OF THE CRIMINAL
- 21 LAW ARTICLE; or
- 22 (ii) has been found guilty of the crime of:
 - 23 1. child abuse under § 3-601 or § 3-602 of the Criminal Law
 - 24 Article; or
 - 25 2. escape under § 9-404 of the Criminal Law Article.

26 (5) While participating in [the home detention] ANY program
27 ESTABLISHED UNDER THIS SECTION an inmate is responsible for:

- 28 (i) the inmate's medical care and related expenses; and
- 29 (ii) costs of lodging, food, clothing, transportation, restitution, and
- 30 taxes.

31 (6) The Sheriff may:

- 32 (i) collect a reasonable fee from each inmate participating in [the
- 33 home detention] ANY program ESTABLISHED UNDER THIS SECTION; or

1 (ii) waive or reduce the fee.

2 (7) The Sheriff may determine the maximum number of inmates that
3 may participate in [the home detention] ANY program ESTABLISHED UNDER THIS
4 SECTION.

5 (8) An inmate who knowingly violates a term or a condition of [the home
6 detention] ANY program ESTABLISHED UNDER THIS SECTION is subject to the
7 penalties provided under § 11-726 of this subtitle and to other disciplinary action
8 provided by law.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2003.