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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 4, 2003

CHAPTER _____

1 AN ACT concerning

2 **Washington County - Correctional Services - Home Detention and Pretrial**
3 **and Work Release 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~~ authorizing the court ~~may~~ to recommend individuals in the
8 Sheriff's custody who meet certain eligibility criteria and have no other pending
9 charges in any jurisdiction to participate in any of the programs; establishing
10 that certain individuals incarcerated for or previously convicted of a crime of
11 violence are not eligible to participate in any of the programs; ~~authorize~~
12 establishing that certain individuals who have been found guilty of certain
13 crimes are not eligible to participate in any of the programs; establishing certain
14 responsibilities of an inmate while the inmate is participating in any of the
15 programs; authorizing the Sheriff to collect a fee for participation in any of the
16 programs or to waive or reduce the fee; authorizing the Sheriff to determine the
17 maximum number of participants in the programs; providing penalties for
18 certain violations of any term or condition of any of the programs; and generally
19 relating to home detention, pretrial release, and work release programs in
20 Washington County.

21 BY repealing and reenacting, with amendments,
22 Article - Correctional Services
23 Section 11-723
24 Annotated Code of Maryland
25 (1999 Volume and 2002 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 11-723.

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

6 (b) (1) The Sheriff shall:

7 (i) establish and administer:

8 1. a home detention program;

9 2. A WORK RELEASE PROGRAM; AND

10 3. A PRETRIAL RELEASE PROGRAM; and

11 (ii) adopt regulations NECESSARY [for the] TO IMPLEMENT EACH
12 program ESTABLISHED UNDER THIS SECTION.

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

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

21 (i) is recommended for the program by the [sentencing judge; and]
22 COURT;

23 (ii) MEETS ESTABLISHED ELIGIBILITY CRITERIA; AND

24 (III) has no other charges pending in any jurisdiction.

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

27 (i) is [serving a sentence for] INCARCERATED FOR OR HAS BEEN
28 CONVICTED PREVIOUSLY OF a crime of violence LISTED IN § 14-101 OF THE CRIMINAL
29 LAW ARTICLE; or

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

31 1. child abuse under § 3-601 or § 3-602 of the Criminal Law
32 Article; or

1 2. escape under § 9-404 of the Criminal Law Article.

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

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

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

7 (6) The Sheriff may:

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

10 (ii) waive or reduce the fee.

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

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

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