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By: **Howard County Delegation**

Introduced and read first time: January 28, 2004

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Howard County - Work Release Program - Condition for Participation**  
3                                   **Ho. Co. 2-04**

4 FOR the purpose of altering a condition for participation in a work release program  
5 established by the Howard County Department of Correction; authorizing the  
6 court, in addition to the sentencing judge, to allow certain individuals to  
7 participate in the work release program; clarifying that an inmate employed in  
8 a work release program is not an agent or employee of the court; making a  
9 technical change; and generally relating to the work release program  
10 established by the Howard County Department of Correction.

11 BY repealing and reenacting, with amendments,  
12 Article - Correctional Services  
13 Section 11-715  
14 Annotated Code of Maryland  
15 (1999 Volume and 2003 Supplement)

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

18                                   **Article - Correctional Services**

19 11-715.

20       (a)     (1)     In this section the following terms have the meanings indicated.

21                   (2)     "Department" means the Howard County Department of Correction.

22                   (3)     "Director" means the Director of the Howard County Department of  
23 Correction.

24       (b)     This section applies only in Howard County.

25       (c)     (1)     The Department may establish a work release program.

1           (2)     The work release program may include an inmate's participation in a  
2 program of employment, rehabilitation, training, education, or home detention.

3           (3)     The Director may adopt regulations relating to the operation of the  
4 work release program.

5       (d)     (1)     At the time of sentencing or at any time during an individual's  
6 confinement, the sentencing judge IF AVAILABLE, OR OTHERWISE THE COURT may  
7 allow an individual to participate in the work release program if the individual:

8           (i)     has been sentenced to the custody of the Department; and

9           (ii)    has no other charges pending in any jurisdiction FOR A CRIME  
10 OF VIOLENCE AS DEFINED UNDER § 14-101(D) OF THE CRIMINAL LAW ARTICLE.

11          (2)     If the Department approves, an inmate in the custody of the Howard  
12 County Detention Center may leave the Center to participate in a work release  
13 program.

14          (3)     An inmate who has been designated to participate in a work release  
15 program may:

16           (i)     continue regular employment; or

17           (ii)    obtain new employment.

18          (4)     An inmate who has been sentenced to the custody of the Department  
19 shall be confined to the Howard County Detention Center:

20           (i)     except as provided in this section; or

21           (ii)    unless a court orders otherwise.

22       (e)     An inmate who is employed while in a work release program under this  
23 section shall:

24          (1)     reimburse the Department by paying a fee based on:

25           (i)     the Department's estimated cost of providing food and lodging  
26 to the inmate; and

27           (ii)    the estimated expenses incurred by the Department because of  
28 the inmate's participation in the work release program; and

29          (2)     pay to the Director court-ordered payments for restitution.

30       (f)     An inmate employed in the community under this section is not an agent  
31 or employee of the County, the Director, THE COURT OR any judicial officer, or any  
32 public officer of the County.

1 (g) An inmate who violates a condition or provision of trust that the  
2 [sentencing judge] COURT or the Department establishes is subject to:

3 (1) removal from the work release program; and

4 (2) cancellation of any earned diminution of the inmate's term of  
5 confinement.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2004.