
By: **Howard County Delegation**
Introduced and read first time: January 28, 2004
Assigned to: Judiciary

Committee Report: Favorable
House action: Adopted
Read second time: February 24, 2004

CHAPTER _____

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.

1 (3) "Director" means the Director of the Howard County Department of
2 Correction.

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

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

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

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

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

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

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

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

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

20 (i) continue regular employment; or

21 (ii) obtain new employment.

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

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

25 (ii) unless a court orders otherwise.

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

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

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

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

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

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

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

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

8 (2) cancellation of any earned diminution of the inmate's term of
9 confinement.

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