HOUSE BILL 729

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E4

2004 Regular Session
4lr1194

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By: **Calvert County Delegation**
Introduced and read first time: February 5, 2004
Assigned to: Judiciary

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Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 16, 2004

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CHAPTER_____

1 AN ACT concerning

2   **Calvert County - Pretrial Release Program**

3 FOR the purpose of authorizing the Sheriff of Calvert 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 circumstances; authorizing the court
7   to make the order at certain times; establishing certain eligibility requirements;
8   and generally relating to a pretrial release program in Calvert County.

9 BY repealing and reenacting, with amendments,
10   Article - Correctional Services
11   Section 11-706
12   Annotated Code of Maryland
13   (1999 Volume and 2003 Supplement)

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

16   **Article - Correctional Services**

17 11-706.

18   (a)   This section applies only in Calvert County.

19   (b)   (1)   At the time of sentencing or on a hearing of a motion for
20 reconsideration of sentence, the court may sentence an individual who has been
21 convicted of a crime to participate for a fixed period in the work release program at
22 the Calvert County Detention Center.

1   (2)   After an inmate enters the work release program, the sentencing
2 judge or, if the sentencing judge is unable to act, the judge of any court in the County
3 may:

4   (i)   order the release of the inmate from custody; and

5   (ii)   consider the supervisor's recommendations and report of the
6 inmate's performance in making a determination to release the inmate.

7   (3)   Subject to the directives and orders of the courts in the County, the
8 supervisor of the County work release program shall establish and administer the
9 work release program.

10   (4)   During reasonable hours, an inmate in the work release program
11 may leave confinement to:

12   (i)   work at gainful employment;

13   (ii)   participate in an outside counseling or rehabilitative program;
14 or

15   (iii)   obtain other services that the supervisor of the program
16 considers necessary.

17   (5)   (i)   An inmate who is employed in accordance with this subsection
18 shall surrender to the supervisor of the program the inmate's total earnings, less
19 payroll deductions required by law.

20   (ii)   From the earnings of the inmate, the supervisor shall deduct
21 and disburse in the following order of priority:

22   1.   food costs to the County;

23   2.   lodging costs to the County;

24   3.   travel costs to the County;

25   4.   fines and costs imposed by the court;

26   5.   amounts that the inmate is obligated to pay for support of
27 a dependent; and

28   6.   court-ordered payments for restitution.

29   (iii)   The supervisor of the program may assist in the financial
30 management of the inmate's other bills and debts.

31   (iv)   The supervisor of the program shall:

32   1.   credit to the inmate's account any remaining balance; and

1   2.   pay the balance in the inmate's account to the inmate on
2 final release from confinement.

3   (6)   An inmate employed in the community under this subsection is not
4 an agent or employee of the County, the Sheriff, any judicial officer, or any public
5 officer of the County.

6   (7)   An inmate who violates a trust or a condition that the supervisor
7 establishes for conduct and employment is subject to:

8   (i)   removal from the program; and

9   (ii)   cancellation of any earned diminution of the inmate's term of
10 confinement.

11   (c)   (1)   In this subsection, "Program" means the Community Services
12 Alternative Sentencing Program.

13   (2)   There is a Community Services Alternative Sentencing Program in
14 the County Department of Public Safety.

15   (3)   The Program shall administer community service projects for
16 individuals who are convicted of an offense and are referred to the Program by a
17 court.

18   (4)   The County Commissioners may charge a reasonable fee to
19 individuals who participate in the Program to help defray Program expenses.

20   (d)   (1)   (i)   An individual who is sentenced to participate in the substance
21 abuse treatment program at the County treatment facility shall pay a per diem fee in
22 an amount that the court determines to cover food, lodging, clothing, and other
23 expenses incidental to participation in the treatment program.

24   (ii)   A court may waive part or all of the fee based on an individual's
25 ability to pay.

26   (2)   The County attorney may bring a civil action to collect any arrearage
27 incidental to the per diem charge that remains unpaid 30 days after the individual's
28 discharge from the County treatment facility.

29   (E)   (1)   THE SHERIFF MAY:

30   (I)   ESTABLISH A PRETRIAL RELEASE PROGRAM THAT OFFERS
31 ALTERNATIVES TO PRETRIAL DETENTION; AND

32   (II)   ADOPT REGULATIONS TO ADMINISTER THE PROGRAM.

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

1   (I)   APPEARS BEFORE THE COURT AFTER BEING CHARGED AND
2 DETAINED ON BOND; AND

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

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

8   (4)   AN INDIVIDUAL IS ELIGIBLE FOR THE PRETRIAL RELEASE PROGRAM
9 IF THE INDIVIDUAL:

10   (I)   IS RECOMMENDED TO THE COURT FOR PLACEMENT IN THE
11 PROGRAM BY THE PROGRAM STAFF; <u>AND</u>

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

13   ~~(III)~~   IS NOT IN DETENTION FOR OR BEEN PREVIOUSLY CONVICTED
14 OF:

15   1.   A CRIME OF VIOLENCE LISTED IN § 14-101 OF THE
16 CRIMINAL LAW ARTICLE; <u>OR</u>

17   2.   ~~A FELONY; OR~~

18   ~~3.~~   THE CRIME OF ESCAPE UNDER § 9-404 OF THE CRIMINAL
19 LAW ARTICLE.

20   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 ~~October~~ <u>July</u> 1, 2004.