

HOUSE BILL 997

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L2

2004 Regular Session
(4r1046)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **St. Mary's County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **St. Mary's County - Sheriff - Home Detention and Work Release Programs**

3 FOR the purpose of authorizing the Sheriff of St. Mary's County to establish
4 programs for home detention and work release; requiring the Sheriff to adopt
5 certain regulations if a program is established; authorizing the court to allow
6 certain individuals to participate in a program; authorizing certain inmates
7 participating in a program to leave the St. Mary's County Detention Center
8 under certain circumstances; authorizing the Sheriff and the Board of County
9 Commissioners of St. Mary's County to determine and collect a reasonable
10 monetary amount or program participation fee to pay for costs incurred by the
11 county for providing certain items for the inmate to participate in the work
12 release program; requiring the Sheriff or the Sheriff's designee to notify the
13 court in writing if an inmate violates a certain trust or condition established for
14 participating in a program; establishing certain penalties for violating a certain
15 trust or condition established for participating in a program; and generally
16 relating to home detention and work release programs in St. Mary's County.

17 BY adding to

1 Article - Correctional Services
 2 Section 11-720
 3 Annotated Code of Maryland
 4 (1999 Volume and 2003 Supplement)

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

7 **Article - Correctional Services**

8 11-720.

9 (A) THIS SECTION APPLIES ONLY IN ST. MARY'S COUNTY.

10 (B) (1) THE SHERIFF MAY ESTABLISH:

11 (I) A HOME DETENTION PROGRAM; AND

12 (II) A WORK RELEASE PROGRAM.

13 (2) (I) IF THE SHERIFF ESTABLISHES A PROGRAM UNDER THIS
 14 SECTION, THE SHERIFF SHALL ADOPT REGULATIONS NECESSARY TO IMPLEMENT
 15 EACH PROGRAM ESTABLISHED.

16 (II) IF A CONDITION THAT A COURT IMPOSES ON AN INMATE IS
 17 INCONSISTENT WITH A REGULATION ADOPTED UNDER THIS SUBSECTION, THE
 18 CONDITION IMPOSED BY THE COURT CONTROLS AS TO THAT INMATE.

19 (C) (1) AT THE TIME OF SENTENCING OR AT ANY TIME DURING AN
 20 INDIVIDUAL'S CONFINEMENT, THE COURT MAY ALLOW THE INDIVIDUAL TO
 21 PARTICIPATE IN ANY PROGRAM ESTABLISHED UNDER THIS SECTION IF THE
 22 INDIVIDUAL:

23 ~~(I)~~ (I) IS SENTENCED TO THE CUSTODY OF THE SHERIFF; ~~AND;~~
 24 AND

25 (II) HAS NO OTHER CHARGES FOR A FELONY OR A VIOLATION OF A
 26 CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE
 27 PENDING IN ANY JURISDICTION.

28 ~~(II) HAS NO OTHER CHARGES PENDING IN ANY JURISDICTION.~~

29 (2) AN INMATE WHO IS PARTICIPATING IN ANY PROGRAM ESTABLISHED
 30 UNDER THIS SECTION AND WHO IS SENTENCED TO THE ST. MARY'S COUNTY
 31 DETENTION CENTER MAY LEAVE THE DETENTION CENTER TO:

32 (I) CONTINUE REGULAR EMPLOYMENT;

33 (II) SEEK NEW EMPLOYMENT; OR

1 (III) ATTEND ANY COURT-ORDERED TREATMENT APPOINTMENTS.

2 (D) THE SHERIFF AND THE BOARD OF COUNTY COMMISSIONERS OF ST.
3 MARY'S COUNTY MAY CHARGE AN INMATE PARTICIPATING IN THE WORK RELEASE
4 PROGRAM A REASONABLE MONETARY AMOUNT OR PROGRAM PARTICIPATION FEE TO
5 PAY FOR THE COSTS INCURRED BY THE COUNTY FOR PROVIDING THE INMATE WITH
6 FOOD, LODGING, AND CLOTHING.

7 (E) (1) IF AN INMATE VIOLATES A TRUST OR A CONDITION THAT A COURT
8 OR SHERIFF HAS ESTABLISHED FOR PARTICIPATING IN ANY PROGRAM ESTABLISHED
9 UNDER THIS SECTION, THE SHERIFF OR THE SHERIFF'S DESIGNEE SHALL NOTIFY
10 THE COURT IN WRITING OF THE VIOLATION.

11 (2) AN INMATE WHO VIOLATES A TRUST OR A CONDITION THAT A COURT
12 OR SHERIFF HAS ESTABLISHED FOR PARTICIPATING IN ANY PROGRAM ESTABLISHED
13 UNDER THIS SECTION IS SUBJECT TO:

14 (I) REMOVAL FROM THE PROGRAM; AND

15 (II) CANCELLATION OF ANY EARNED DIMINUTION OF THE
16 INMATE'S TERM OF CONFINEMENT.

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