

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 997

(St. Mary's County Delegation)

Judiciary

Judicial Proceedings

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

This bill authorizes the Sheriff of St. Mary's County to establish programs for home detention and work release, and to adopt implementary regulations for each such program. If a court imposed condition on an inmate is inconsistent with a regulation adopted under these provisions, the court imposed condition controls as to that inmate. A court is authorized to allow an inmate's participation in either program, as specified. The bill specifies the conditions under which an inmate may leave the detention center for participation in a program.

The Sheriff and the Board of County Commissioners are authorized to determine and collect a reasonable monetary amount or program participation fee to pay for an inmate's food, lodging, and clothing costs incurred in the work release program. An inmate who violates a trust or condition that a court or the sheriff has established for program participation is subject to removal from the program and cancellation of any earned diminution credits.

Fiscal Summary

State Effect: None.

Local Effect: None. This bill codifies current practice in St. Mary's County.

Small Business Effect: None.

Analysis

Current Law: Chapter 356 of 2001 expanded statewide the authority of the courts to impose “custodial confinement” as a condition of a suspended sentence, probation before judgment, or probation following judgment. Any time served by an individual in custodial confinement must be credited against any sentence of incarceration imposed by the court if the individual violates a term or condition of probation.

Chapter 356 defined custodial confinement as home detention, certain correctional options programs, or inpatient drug or alcohol treatment and voluntary treatment. The definition specifically excluded imprisonment.

Chapter 378 of 2003 authorized courts throughout the State to impose custodial confinement or imprisonment as a condition of probation before or after judgment and authorized courts to order confinement in any care or custody as may be deemed proper, regardless of the age of the defendant, in provisions relating to suspension of sentence.

The authority to impose a term of imprisonment as a condition of probation before judgment is currently available to a court in Allegany, Calvert, Charles, Garrett, Howard, and St. Mary’s counties. This authority applicable to probation following judgment is currently available to a court in Charles, St. Mary’s, Cecil, Harford, and Calvert counties.

Under the home detention program operated by the Department of Public Safety and Correctional Services (DPSCS), an inmate may live in an approved private dwelling. An inmate in the program is supervised by means of electronic devices and direct contact by correctional employees. An inmate must remain in the approved dwelling except, with approval, to go directly to and from work, medical appointments, or offices of DPSCS. An inmate may also leave the dwelling if required by a legitimate emergency or as otherwise allowed by the program administrator.

There are 17 jurisdictions in the State that actively operate a local home detention program including St. Mary’s County. Calvert, Caroline, Cecil, Charles, Harford, Howard, and Queen Anne’s counties had no persons on home detention at the end of calendar 2003.

All jurisdictions in the State except Prince George’s County have work release programs. Baltimore City does not operate a local detention center (all incarceration terms arising from convictions in the city are served in State facilities). However, in July 2003, DPSCS established a work release program at the Baltimore City Detention Center (BCDC) for persons sentenced in Baltimore City to the Division of Correction (DOC). The program currently has 14 inmates participating in the program. The Division of

Pretrial Detention and Services has recommended that the program be moved to the Dismas House Prerelease Release Center. The BCDC work release program has a capacity for 45 inmates. DOC has authority to establish a work release program anywhere in the State.

All work release programs in the State are post-conviction, with the earliest work release order occurring at sentencing. For example, inmates in Baltimore County are eligible for program participation if the inmate: (1) is within six months or less of a release date; (2) has been sentenced to the correctional facility without pending charges; (3) had no disciplinary infractions for possession of contraband; and (4) had no positive urinalysis test results during present incarceration.

Background: In December 2003, St. Mary's County had an average daily population of 47 persons participating in work release and an average weekly population of 13 persons participating in home detention.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): St. Mary's County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2004
ncs/jr

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