
By: **Chair, Anne Arundel County Delegation**
Introduced and read first time: February 3, 2005
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County - Pretrial Release, Work Release, and Related**
3 **Programs - Eligibility and Fees**

4 FOR the purpose of altering the types of payments that the Administrator of the Anne
5 Arundel County Department of Detention Facilities may deduct from earnings
6 of certain participants in certain programs; authorizing the Administrator to
7 deduct certain fees from the earnings of certain participants in certain work
8 release programs; authorizing the Administrator to collect, waive, or reduce
9 certain fees; authorizing the Administrator to establish a certain pretrial release
10 program and adopt certain regulations; authorizing a judge to order an
11 individual to participate in the pretrial release program under certain
12 circumstances; authorizing a certain judge or the Administrator to place a
13 certain individual in a certain work release program if the individual meets
14 certain criteria; prohibiting a judge from ordering an individual to participate in
15 a work release program if the individual does not meet certain criteria;
16 prohibiting the Administrator from allowing an individual to participate in a
17 work release program under certain circumstances; authorizing the
18 Administrator to charge a certain fee to certain community service program
19 participants under certain circumstances; providing that certain provisions
20 control if the provisions are inconsistent with another provision in the Code;
21 altering certain definitions; and generally relating to eligibility and fees for
22 work release, pretrial release, home detention, and community service programs
23 in Anne Arundel County.

24 BY repealing and reenacting, with amendments,
25 Article - Correctional Services
26 Section 11-703
27 Annotated Code of Maryland
28 (1999 Volume and 2004 Supplement)

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

Article - Correctional Services

1 11-703.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) "Administrator" means the Administrator of the county's local
4 correctional facilities.

5 (3) "Participant" means [a convicted] AN individual who participates in
6 a program under this section.

7 (4) "Program" means, unless the context requires otherwise, a
8 rehabilitation, home detention, PRETRIAL RELEASE, or work program established and
9 conducted under this section.

10 (b) This section applies only in Anne Arundel County.

11 (c) (1) If a provision [of subsections (a) through (e)] of this section is
12 inconsistent with another provision in the Code, the provision [of subsections (a)
13 through (e)] of this section controls.

14 (2) The privileges and penalties set forth in subsection (e)(1)(v) and (vi)
15 of this section are the exclusive privileges and penalties that relate to the length of
16 sentence of a participant in a program.

17 (3) While released from confinement under the terms of a program, a
18 participant is not an agent, employee, or servant of the county.

19 (d) (1) The Administrator shall:

20 (i) establish and administer a home detention program; and

21 (ii) adopt regulations for the program.

22 (2) (i) When an individual who is convicted of a crime is sentenced or
23 at any time during the individual's confinement as an inmate, a judge may allow the
24 individual to participate in the home detention program.

25 (ii) In addition to participation at the recommendation of a judge
26 under subparagraph (i) of this paragraph, the Administrator may place the inmate in
27 the home detention program unless the court has ordered otherwise.

28 (3) Subject to paragraph (4) of this subsection, an inmate is eligible for
29 the home detention program if the inmate:

30 (i) is recommended for the program by a judge or placed in the
31 program by the Administrator under paragraph (2) of this subsection; and

32 (ii) has no other charges pending in any jurisdiction.

33

- 1 (4) An inmate is not eligible for the home detention program if the
2 inmate:
- 3 (i) is serving a sentence for a crime of violence; or
4 (ii) has been found guilty of the crime of:
- 5 1. child abuse under § 3-601 or § 3-602 of the Criminal Law
6 Article; or
7 2. escape under § 9-404 of the Criminal Law Article.
- 8 (5) While participating in the home detention program, an inmate is
9 responsible for:
- 10 (i) the costs of the inmate's medical care and related expenses; and
11 (ii) the costs of the inmate's lodging, food, clothing, transportation,
12 restitution, and taxes.
- 13 (6) [Unless the court has ordered otherwise, the] THE Administrator
14 may:
- 15 (i) collect a reasonable fee from each inmate participating in the
16 home detention program; or
17 (ii) waive or reduce the fee.
- 18 (7) The Administrator may determine the maximum number of
19 participants in the home detention program.
- 20 (8) An inmate who knowingly violates a term or condition of the home
21 detention program is subject to:
- 22 (i) the penalties provided under § 11-726 of this subtitle; and
23 (ii) any other disciplinary action authorized under law.
- 24 (e) (1) The Administrator may:
- 25 (i) establish, for the rehabilitation and training of an inmate who
26 is sentenced to imprisonment in a local correctional facility, a program that enables
27 the inmate to:
- 28 1. attend a vocational or educational institution [in the
29 county];
30 2. work at gainful, private employment [in the county]; or
31 3. participate in any other training or rehabilitation program
32 [in the county];

- 1 (ii) establish eligibility criteria for participation in a program;
- 2 (iii) release an eligible inmate from actual confinement to
3 participate in a program;
- 4 (iv) establish any other training or rehabilitation program;
- 5 (v) reduce a participant's sentence 1 day for each day that the
6 participant:
- 7 1. performs with exceptional industry, application, and skill
8 any industrial, agricultural, or administrative task assigned to the participant; or
- 9 2. performs with satisfactory industry, application, and
10 progress in the program to which the participant is assigned; and
- 11 (vi) after an administrative hearing, cancel any earned diminution
12 of an inmate's term of confinement if the inmate violates a regulation adopted under
13 this section.
- 14 (2) (i) The Administrator shall adopt regulations to conduct each
15 program.
- 16 (ii) In adopting the regulations, the Administrator shall consider
17 the safety of the public and the security of a local correctional facility.
- 18 (iii) [If] EXCEPT AS PROVIDED IN SUBSECTION (G)(2) OF THIS
19 SECTION, IF a condition of THE sentence imposed by a court on an inmate is
20 inconsistent with a regulation adopted under this subsection, the condition imposed
21 by the court controls as to that inmate.
- 22 (3) While not released from confinement under the terms of a program,
23 each participant shall be confined in a local correctional facility.
- 24 (4) (i) The Administrator or Administrator's designee shall collect
25 each participant's total earnings, less payroll deductions.
- 26 (ii) From the participant's earnings, the Administrator or designee
27 shall pay:
- 28 1. [the cost to the county of providing food, lodging, and
29 clothing for the participant] VOLUNTARY OR COURT-ORDERED PAYMENTS FOR
30 SUPPORT OF A DEPENDENT; AND
- 31 2. [the food, travel, and other expenses of the participant
32 incidental to participation in the program;
- 33 3. voluntary or court-ordered payments for support of a
34 dependent;
- 35 4. court-ordered costs and fines;

- 1 5. repayment to the State for court-appointed counsel;
2 6. if ordered by the court, repayment to the State for the
3 services of the public defender; and
4 7.] court-ordered payments for restitution.

5 (III) THE ADMINISTRATOR MAY:

6 1. DEDUCT A REASONABLE FEE FROM THE EARNINGS OF
7 EACH INMATE PARTICIPATING IN THE PROGRAM; OR

8 2. WAIVE OR REDUCE THE FEE.

9 [(iii)] (IV) The Administrator or designee shall:

10 1. credit to the participant's account any remaining balance;
11 and

12 2. dispose of the balance as requested by the participant and
13 as approved by the Administrator.

14 (5) A participant who knowingly violates a regulation adopted under this
15 section:

16 (i) is subject to removal from the program;

17 (ii) after an administrative hearing, is subject to cancellation of any
18 earned diminution of the inmate's term of confinement; and

19 (iii) is subject to the provisions of § 11-726 of this subtitle.

20 (F) (1) THE ADMINISTRATOR MAY:

21 (I) ESTABLISH A PRETRIAL RELEASE PROGRAM THAT OFFERS
22 ALTERNATIVES TO PRETRIAL DETENTION; AND

23 (II) ADOPT REGULATIONS TO CARRY OUT THE PROGRAM.

24 (2) A COURT MAY ORDER AN INDIVIDUAL TO PARTICIPATE IN THE
25 PRETRIAL RELEASE PROGRAM IF THE INDIVIDUAL APPEARS BEFORE THE COURT
26 AFTER BEING CHARGED AND DETAINED ON BOND.

27 (3) THE COURT MAY ENTER THE ORDER AT THE IMPOSITION OF BOND,
28 ON REVIEW OF BOND, OR ANY OTHER TIME DURING THE INDIVIDUAL'S PRETRIAL
29 DETENTION.

30 (G) (1) AT THE TIME OF SENTENCING OR AT ANY TIME DURING AN
31 INDIVIDUAL'S CONFINEMENT, THE SENTENCING JUDGE OR THE ADMINISTRATOR
32 MAY ALLOW AN INDIVIDUAL WHO IS CONVICTED OF A CRIME AND SENTENCED TO
33 IMPRISONMENT TO PARTICIPATE IN A PROGRAM ESTABLISHED UNDER SUBSECTION

1 (E) OF THIS SECTION, PROVIDED THAT THE INDIVIDUAL MEETS THE ELIGIBILITY
2 CRITERIA ESTABLISHED BY THE ADMINISTRATOR FOR PARTICIPATION IN THAT
3 PROGRAM.

4 (2) A JUDGE MAY NOT ORDER THAT AN INDIVIDUAL PARTICIPATE IN A
5 PROGRAM ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION IF THE
6 INDIVIDUAL DOES NOT MEET THE CRITERIA ESTABLISHED BY THE ADMINISTRATOR.

7 (3) THE ADMINISTRATOR MAY NOT ALLOW AN INDIVIDUAL TO
8 PARTICIPATE IN A PROGRAM ESTABLISHED UNDER SUBSECTION (E) OF THIS
9 SECTION IF A COURT ORDER PROHIBITS THE INDIVIDUAL FROM PARTICIPATING IN
10 THAT PROGRAM.

11 [(f)] (H) (1) A court may require an individual who is convicted of a crime to
12 satisfy a fine or court costs by participating in a work program established under the
13 jurisdiction of the Division of Parole and Probation.

14 (2) An individual who participates in the work program shall receive
15 credit of at least the federal minimum wage per hour toward the fine and court costs.

16 (I) IF THE ADMINISTRATOR ESTABLISHES AND OPERATES A COMMUNITY
17 SERVICE PROGRAM AUTHORIZED BY §§ 8-701 THROUGH § 8-711 OF THIS ARTICLE, THE
18 ADMINISTRATOR MAY CHARGE A REASONABLE FEE TO EACH INDIVIDUAL
19 PARTICIPATING IN THE PROGRAM.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2005.