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

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Committee Report: Favorable  
House action: Adopted  
Read second time: March 15, 2005

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CHAPTER\_\_\_\_\_

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

1 (1999 Volume and 2004 Supplement)

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

4 **Article - Correctional Services**

5 11-703.

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

7 (2) "Administrator" means the Administrator of the county's local  
8 correctional facilities.

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

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

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

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

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

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

23 (d) (1) The Administrator shall:

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

25 (ii) adopt regulations for the program.

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

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

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

- 1 (i) is recommended for the program by a judge or placed in the  
2 program by the Administrator under paragraph (2) of this subsection; and
- 3 (ii) has no other charges pending in any jurisdiction.
- 4 (4) An inmate is not eligible for the home detention program if the  
5 inmate:
- 6 (i) is serving a sentence for a crime of violence; or
- 7 (ii) has been found guilty of the crime of:
- 8 1. child abuse under § 3-601 or § 3-602 of the Criminal Law  
9 Article; or
- 10 2. escape under § 9-404 of the Criminal Law Article.
- 11 (5) While participating in the home detention program, an inmate is  
12 responsible for:
- 13 (i) the costs of the inmate's medical care and related expenses; and
- 14 (ii) the costs of the inmate's lodging, food, clothing, transportation,  
15 restitution, and taxes.
- 16 (6) [Unless the court has ordered otherwise, the] THE Administrator  
17 may:
- 18 (i) collect a reasonable fee from each inmate participating in the  
19 home detention program; or
- 20 (ii) waive or reduce the fee.
- 21 (7) The Administrator may determine the maximum number of  
22 participants in the home detention program.
- 23 (8) An inmate who knowingly violates a term or condition of the home  
24 detention program is subject to:
- 25 (i) the penalties provided under § 11-726 of this subtitle; and
- 26 (ii) any other disciplinary action authorized under law.
- 27 (e) (1) The Administrator may:
- 28 (i) establish, for the rehabilitation and training of an inmate who  
29 is sentenced to imprisonment in a local correctional facility, a program that enables  
30 the inmate to:
- 31 1. attend a vocational or educational institution [in the  
32 county];

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

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

8 (III) THE ADMINISTRATOR MAY:

- 9 1. DEDUCT A REASONABLE FEE FROM THE EARNINGS OF  
10 EACH INMATE PARTICIPATING IN THE PROGRAM; OR
  - 11 2. WAIVE OR REDUCE THE FEE.
- 12 [(iii)] (IV) The Administrator or designee shall:
- 13 1. credit to the participant's account any remaining balance;  
14 and
  - 15 2. dispose of the balance as requested by the participant and  
16 as approved by the Administrator.

17 (5) A participant who knowingly violates a regulation adopted under this  
18 section:

- 19 (i) is subject to removal from the program;
- 20 (ii) after an administrative hearing, is subject to cancellation of any  
21 earned diminution of the inmate's term of confinement; and
- 22 (iii) is subject to the provisions of § 11-726 of this subtitle.

23 (F) (1) THE ADMINISTRATOR MAY:

- 24 (I) ESTABLISH A PRETRIAL RELEASE PROGRAM THAT OFFERS  
25 ALTERNATIVES TO PRETRIAL DETENTION; AND
- 26 (II) ADOPT REGULATIONS TO CARRY OUT THE PROGRAM.
- 27 (2) A COURT MAY ORDER AN INDIVIDUAL TO PARTICIPATE IN THE  
28 PRETRIAL RELEASE PROGRAM IF THE INDIVIDUAL APPEARS BEFORE THE COURT  
29 AFTER BEING CHARGED AND DETAINED ON BOND.

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

1 (G) (1) AT THE TIME OF SENTENCING OR AT ANY TIME DURING AN  
2 INDIVIDUAL'S CONFINEMENT, THE SENTENCING JUDGE OR THE ADMINISTRATOR  
3 MAY ALLOW AN INDIVIDUAL WHO IS CONVICTED OF A CRIME AND SENTENCED TO  
4 IMPRISONMENT TO PARTICIPATE IN A PROGRAM ESTABLISHED UNDER SUBSECTION  
5 (E) OF THIS SECTION, PROVIDED THAT THE INDIVIDUAL MEETS THE ELIGIBILITY  
6 CRITERIA ESTABLISHED BY THE ADMINISTRATOR FOR PARTICIPATION IN THAT  
7 PROGRAM.

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

11 (3) THE ADMINISTRATOR MAY NOT ALLOW AN INDIVIDUAL TO  
12 PARTICIPATE IN A PROGRAM ESTABLISHED UNDER SUBSECTION (E) OF THIS  
13 SECTION IF A COURT ORDER PROHIBITS THE INDIVIDUAL FROM PARTICIPATING IN  
14 THAT PROGRAM.

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

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

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

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