

**ENROLLED BILL**

-- *Judicial Proceedings/Judiciary* --

Introduced by **Anne Arundel County Senators**

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

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

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President.

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

1      Administrator to charge a certain fee to certain community service program  
2      participants under certain circumstances; providing that certain provisions  
3      control if the provisions are inconsistent with another provision in the Code;  
4      altering certain definitions; and generally relating to eligibility and fees for  
5      work release, pretrial release, home detention, and community service programs  
6      in Anne Arundel County.

7 BY repealing and reenacting, with amendments,  
8 Article - Correctional Services  
9 Section 11-703  
10 Annotated Code of Maryland  
11 (1999 Volume and 2004 Supplement)

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

## Article - Correctional Services

15 11-703.

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

17 (2) "Administrator" means the Administrator of the county's local  
18 correctional facilities.

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

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

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

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

33 (d) (1) The Administrator shall:

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

1 (ii) adopt regulations for the program.

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

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

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

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

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

13 (4) An inmate is not eligible for the home detention program if the  
14 inmate:

15 (i) is serving a sentence for a crime of violence; or

16 (ii) has been found guilty of the crime of:

17 1. child abuse under § 3-601 or § 3-602 of the Criminal Law  
18 Article; or

19 2. escape under § 9-404 of the Criminal Law Article.

20 (5) While participating in the home detention program, an inmate is  
21 responsible for:

22 (i) the costs of the inmate's medical care and related expenses; and

23 (ii) the costs of the inmate's lodging, food, clothing, transportation,  
24 restitution, and taxes.

25 (6) [Unless the court has ordered otherwise, the] THE Administrator  
26 may:

27 (i) collect a reasonable fee from each inmate participating in the  
28 home detention program; or

29 (ii) waive or reduce the fee.

30 (7) The Administrator may determine the maximum number of  
31 participants in the home detention program.

32 (8) An inmate who knowingly violates a term or condition of the home  
33 detention program is subject to:

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1 (i) the penalties provided under § 11-726 of this subtitle; and

2 (ii) any other disciplinary action authorized under law.

3 (e) (1) The Administrator may:

4 (i) establish, for the rehabilitation and training of an inmate who  
5 is sentenced to imprisonment in a local correctional facility, a program that enables  
6 the inmate to:

7 1. attend a vocational or educational institution [in the  
8 county];

9 2. work at gainful, private employment [in the county]; or

10 3. participate in any other training or rehabilitation program  
11 [in the county];

12 (ii) establish eligibility criteria for participation in a program;

13 (iii) release an eligible inmate from actual confinement to  
14 participate in a program;

15 (iv) establish any other training or rehabilitation program;

16 (v) reduce a participant's sentence 1 day for each day that the  
17 participant:

18 1. performs with exceptional industry, application, and skill  
19 any industrial, agricultural, or administrative task assigned to the participant; or

20 2. performs with satisfactory industry, application, and  
21 progress in the program to which the participant is assigned; and

22 (vi) after an administrative hearing, cancel any earned diminution  
23 of an inmate's term of confinement if the inmate violates a regulation adopted under  
24 this section.

25 (2) (i) The Administrator shall adopt regulations to conduct each  
26 program.

27 (ii) In adopting the regulations, the Administrator shall consider  
28 the safety of the public and the security of a local correctional facility.

29 (iii) [If] EXCEPT AS PROVIDED IN SUBSECTION (G)(2) OF THIS  
30 SECTION, IF a condition of THE sentence imposed by a court on an inmate is  
31 inconsistent with a regulation adopted under this subsection, the condition imposed  
32 by the court controls as to that inmate.

33 (3) While not released from confinement under the terms of a program,  
34 each participant shall be confined in a local correctional facility.

(4) (i) The Administrator or Administrator's designee shall collect each participant's total earnings, less payroll deductions.

3 (ii) From the participant's earnings, the Administrator or designee  
4 shall pay:

10 3. voluntary or court-ordered payments for support of a  
11 dependent;

12 4. court-ordered costs and fines;

13 5. repayment to the State for court-appointed counsel;

14 6. if ordered by the court, repayment to the State for the  
15 services of the public defender; and

17 (III) THE ADMINISTRATOR MAY:

20 2. WAIVE OR REDUCE THE FEE.

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

22 1. credit to the participant's account any remaining balance;

24 2. dispose of the balance as requested by the participant and  
25 as approved by the Administrator.

26 (5) A participant who knowingly violates a regulation adopted under this  
27 section;

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

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

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

32 (F) (1) THE ADMINISTRATOR MAY:

1 (I) ESTABLISH A PRETRIAL RELEASE PROGRAM THAT OFFERS  
2 ALTERNATIVES TO PRETRIAL DETENTION; AND

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

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

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

10 (G) (1) AT THE TIME OF SENTENCING OR AT ANY TIME DURING AN  
11 INDIVIDUAL'S CONFINEMENT, THE SENTENCING JUDGE OR THE ADMINISTRATOR  
12 MAY ALLOW AN INDIVIDUAL WHO IS CONVICTED OF A CRIME AND SENTENCED TO  
13 IMPRISONMENT TO PARTICIPATE IN A PROGRAM ESTABLISHED UNDER SUBSECTION  
14 (E) OF THIS SECTION, PROVIDED THAT THE INDIVIDUAL MEETS THE ELIGIBILITY  
15 CRITERIA ESTABLISHED BY THE ADMINISTRATOR FOR PARTICIPATION IN THAT  
16 PROGRAM.

17 (2) A SUBJECT TO THE ELIGIBILITY CRITERIA ESTABLISHED BY THE  
18 ADMINISTRATOR, A JUDGE MAY NOT ORDER THAT AN INDIVIDUAL PARTICIPATE IN A  
19 PROGRAM ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION IF THE  
20 INDIVIDUAL DOES NOT MEET THE CRITERIA ESTABLISHED BY THE ADMINISTRATOR.

21 (3) THE ADMINISTRATOR MAY NOT ALLOW AN INDIVIDUAL TO  
22 PARTICIPATE IN A PROGRAM ESTABLISHED UNDER SUBSECTION (E) OF THIS  
23 SECTION IF A COURT ORDER PROHIBITS THE INDIVIDUAL FROM PARTICIPATING IN  
24 THAT PROGRAM.

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

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

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

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

