
By: **Senator Harris**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Division of Correction - Home Monitoring Program - Authorization**

3 FOR the purpose of authorizing the Commissioner of the Division of Correction, with
4 the approval of the Secretary of Public Safety and Correctional Services, to
5 establish a home monitoring program under which inmates under the custody of
6 the Division of Correction may serve their sentences in a private dwelling;
7 establishing that an inmate in a home monitoring program shall be supervised
8 by means of electronic devices and direct contact with employees of the Division;
9 establishing that an inmate is not eligible for the program if the inmate is
10 serving a sentence for a crime of violence; establishing that an inmate in the
11 home monitoring program must remain in the private dwelling except under
12 certain circumstances; requiring an inmate in the program to be responsible for
13 certain expenses; authorizing the Commissioner to establish a certain fee and to
14 collect the fee from inmates in the home monitoring program; authorizing the
15 Commissioner to waive a certain fee; requiring the Commissioner, with the
16 approval of the Secretary, to adopt certain regulations; defining a certain term;
17 and generally relating to the creation of a home monitoring program in the
18 Division of Correction.

19 BY adding to

20 Article - Correctional Services

21 Section 3-1001 to be under the new subtitle "Subtitle 10. Home Monitoring"

22 Annotated Code of Maryland

23 (1999 Volume and 2004 Supplement)

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

1 **Article - Correctional Services**

2 SUBTITLE 10. HOME MONITORING.

3 3-1001.

4 (A) (1) IN THIS SECTION, "PRIVATE DWELLING" MEANS A HOME OWNED OR
5 LEASED BY AN INDIVIDUAL.

6 (2) "PRIVATE DWELLING" DOES NOT INCLUDE ANY HOME WHICH THE
7 DIVISION OPERATES, OR CONTRACTS FOR THE OPERATION OF, FOR PURPOSES OF A
8 HOME DETENTION PROGRAM AUTHORIZED UNDER SUBTITLE 4 OF THIS TITLE.

9 (B) WITH THE SECRETARY'S APPROVAL, THE COMMISSIONER MAY ESTABLISH
10 A HOME MONITORING PROGRAM UNDER WHICH AN INMATE UNDER THE CUSTODY
11 OF THE DIVISION MAY SERVE THE INMATE'S SENTENCE IN A PRIVATE DWELLING
12 THAT THE COMMISSIONER APPROVES.

13 (C) AN INMATE IN THE PROGRAM SHALL BE SUPERVISED BY MEANS OF:

14 (1) ELECTRONIC DEVICES; AND

15 (2) DIRECT CONTACT WITH EMPLOYEES OF THE DIVISION.

16 (D) AN INMATE IS NOT ELIGIBLE FOR THE PROGRAM IF THE INMATE IS
17 SERVING A SENTENCE FOR A CRIME OF VIOLENCE.

18 (E) WHILE IN A HOME MONITORING PROGRAM, AN INMATE MUST REMAIN IN
19 THE PRIVATE DWELLING EXCEPT:

20 (1) WITH THE APPROVAL OF THE COMMISSIONER, TO GO DIRECTLY TO
21 AND FROM:

22 (I) THE INMATE'S APPROVED PLACE OF EMPLOYMENT;

23 (II) A MEDICAL OR MENTAL HEALTH TREATMENT FACILITY; OR

24 (III) OFFICES OF THE DIVISION;

25 (2) AS REQUIRED BY LEGITIMATE MEDICAL OR OTHER EMERGENCIES;
26 OR

27 (3) AS OTHERWISE ALLOWED OR DIRECTED BY THE COMMISSIONER.

28 (F) AN INMATE IN THE PROGRAM IS RESPONSIBLE FOR ALL OF THE INMATE'S
29 LIVING EXPENSES, INCLUDING EXPENSES FOR FOOD, CLOTHING, MEDICAL CARE,
30 SHELTER, AND UTILITIES.

31 (G) (1) THE COMMISSIONER MAY ESTABLISH A REASONABLE FEE FOR THE
32 COST OF ELECTRONIC MONITORING AND MAY COLLECT THE FEE FROM EACH
33 INMATE PARTICIPATING IN THE PROGRAM.

1 (2) IF THE COMMISSIONER FINDS THAT AN INMATE CANNOT AFFORD TO
2 PAY A FEE ESTABLISHED UNDER THIS SUBSECTION, THE COMMISSIONER MAY WAIVE
3 THE FEE IN WHOLE OR IN PART.

4 (H) WITH THE SECRETARY'S APPROVAL, THE COMMISSIONER SHALL ADOPT
5 REGULATIONS TO IMPLEMENT ANY HOME MONITORING PROGRAM ESTABLISHED
6 UNDER THIS SECTION.

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