

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 553
Judiciary

(Chair, Anne Arundel County Delegation)

Judicial Proceedings

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

This bill authorizes the Administrator of the Anne Arundel County Department of Detention Facilities to establish a pretrial release program. The bill also makes certain changes applicable to existing rehabilitation, home detention, and work programs.

Fiscal Summary

State Effect: None.

Local Effect: Minimal. Anne Arundel County already operates a pretrial release program, as well as rehabilitation, home detention, and work programs. This bill allows the county to reinstate (and collect) “community service” fees, which the county had discontinued absent a specific statutory provision for their collection. Total annual revenue from the collection of such fees for all programs is estimated at \$15,000 – \$20,000.

Small Business Effect: None.

Analysis

Bill Summary: This bill authorizes the administrator to establish a pretrial release program that offers alternatives to pretrial detention and to adopt implementary regulations. A court is authorized to order an individual to participate in the program if appearing before the court charged with a crime and detained on bond. The court may enter the order at the imposition of bond, on bond review, or at any other time during the individual’s pretrial detention.

At sentencing or at any time during confinement, the sentencing judge or the administrator may allow an eligible individual sentenced to imprisonment to participate in a county rehabilitation, home detention, pretrial release, or work program. Subject to the established eligibility criteria, a judge may order participation in such a program. The administrator may not allow participation in such a program if prohibited for that individual by a court.

The bill limits the deductions that the administrator must take from a program participant's earnings to voluntary or court-ordered payments to a dependent and court-ordered restitution. The bill grants the administrator sole authority to deduct a reasonable fee from each participating inmate's earnings or waive or reduce the fee for any program.

The bill eliminates the need for an individual to have been convicted to participate in a county rehabilitation, home detention, pretrial release, or work program. The bill also eliminates the need for any training or rehabilitation program (including a work program) to be in Anne Arundel County.

The bill also provides that if the administrator establishes and operates a community services program, a reasonable participation fee may be charged.

Current Law: Anne Arundel County currently operates a rehabilitation, home detention, pretrial release, and work program. It is also authorized to operate a community service program, but does not do so currently. It is not specifically and statutorily authorized to establish a pretrial release program, but operates one.

A county may establish a community service program, by which a court may order a juvenile who is charged with the commission of a delinquent act or a criminal defendant who has not been convicted of a crime of violence to perform community service and assign the juvenile or defendant to a particular work project instead of payment of any fines and court costs imposed or as a condition of: (1) probation before or after judgment; (2) a suspended sentence; (3) a case being placed on a stet docket; or (4) a juvenile being subject to a diversionary program.

Background: Allegany, Dorchester, Kent, and Wicomico counties are authorized to administer pretrial release and work release programs. The State has a pretrial release services program that is overseen by the Department of Public Safety and Correctional Services.

In its Executive Summary dated October 11, 2001, the Pretrial Release Project Advisory Committee stated that implementation of pretrial services in every Maryland jurisdiction is a key element in overall improvement of the criminal justice system. The committee

posited that its recommendations for pretrial services would be adequately funded by “the offset of detention expenses, lost wages, and other costs of unnecessary pretrial detention.”

Additional Information

Prior Introductions: None.

Cross File: SB 500 (Anne Arundel County Senators) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Anne Arundel County, Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2005
mp/hlb Revised - Enrolled Bill - April 20, 2005

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