

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**

Senate Bill 624

(Senator Harris)

Judicial Proceedings

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

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This bill authorizes the Division of Correction (DOC), with the approval of the Department of Public Safety and Correctional Services (DPSCS), to establish a home monitoring program under which an inmate under the custody of DOC may serve the inmate's sentence in a private dwelling. An inmate in such a home monitoring program must be supervised by means of electronic devices and direct contact with DOC employees. An inmate is not eligible for the program if the inmate is serving a sentence for a crime of violence.

An inmate must remain in the approved dwelling except, with approval, to go directly to and from work, medical appointments, or offices of DPSCS. An inmate may also leave the dwelling if required by a legitimate emergency or as otherwise allowed by the Commissioner of Correction. An inmate in the program is responsible for all living expenses. DOC is authorized to establish and collect (or waive) a reasonable fee for the cost of electronic monitoring.

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**Fiscal Summary**

**State Effect:** Minimal operational changes for DOC's current home detention program. General fund revenues and expenditures would not be affected.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Under the existing home detention program operated by DPSCS, an inmate may live in an approved private dwelling. An inmate in the program is supervised by means of electronic devices and direct contact by correctional employees. An inmate must remain in the approved dwelling except, with approval, to go directly to and from work, medical appointments, or offices of DPSCS. An inmate may also leave the dwelling if required by a legitimate emergency or as otherwise allowed by the program administrator.

An inmate is not eligible for the program if the inmate:

- is serving a life sentence;
- has been found guilty of a crime of violence; and
- has been found guilty of the crime of child abuse or escape.

However, an inmate is eligible for the program if five years have elapsed since expiration of the sentence for the crime of violence or if the inmate is within 90 days of release on parole or mandatory supervision. An inmate in the DOC program is not responsible for the costs of medical care.

The following jurisdictions have (or are authorized to have) a home detention program: Allegany, Anne Arundel, Baltimore, Carroll, Cecil, Dorchester, Frederick, Harford, Howard, Kent, St. Mary's, Washington, and Wicomico counties.

**Background:** While DOC's home detention program has had average daily populations of slightly more than 300, it currently has about 200 participants. The program has a capacity of about 400 persons, including males and females in private dwellings as well as in other "transitional housing." This home detention program is used typically for pretrial detainees and persons nearing a release date. No inmate in the custody of DOC may serve an entire imprisonment sentence in the home detention program. Only 17 of the current participants were sentenced for a crime of violence.

The actual cost of the DOC home detention program in fiscal 2004 was about \$4,818,688. The fiscal 2005 appropriation for this program was \$5,311,590. The Governor's fiscal 2006 budget allowance for the program is \$5,231,566.

**State Expenditures:** Because this bill authorizes, rather than requires, a home detention program within DOC, it is assumed that the bill's intent could be met by altering the current home detention program in DOC, rather than by creating a new similar program.

The most significant alteration would be to exclude program participation, at any time, for a person convicted of a violent crime. However, since only 17 of the current 200 program participants were sentenced for a violent crime, DOC should experience only minimal operational difficulties in complying with this provision. It is assumed that those 17 persons could be replaced with other qualified inmates.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services,  
Department of Legislative Services

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