
By: **Senator Giannetti**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Local Correctional Facilities - Judicial Authorization of Immediate Work**
3 **Release**

4 FOR the purpose of authorizing a judge to order that an individual be allowed to
5 immediately begin participation in a work release program; authorizing a judge
6 in Montgomery County to order that an individual be allowed to immediately
7 begin participation in a work release program; and generally relating to work
8 release.

9 BY repealing and reenacting, with amendments,
10 Article - Correctional Services
11 Section 11-602(a) and 11-717(d)
12 Annotated Code of Maryland
13 (1999 Volume and 2005 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article - Correctional Services
16 Section 11-717(a) through (c)
17 Annotated Code of Maryland
18 (1999 Volume and 2005 Supplement)

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

21 **Article - Correctional Services**

22 11-602.

23 (a) (1) (i) When an individual is convicted of a crime and sentenced to a
24 local correctional facility, the sentencing judge may allow the individual, to the extent
25 possible, to continue the individual's regular employment or obtain new employment
26 during the inmate's term of confinement.

27 (ii) When an individual is adjudicated to be in contempt of court
28 and committed to the custody of a local correctional facility, the judge who commits

1 the individual may allow the individual, to the extent possible, to continue the
2 individual's regular employment or obtain new employment during the period in
3 which the individual is committed to the custody of the local correctional facility.

4 (2) If a judge allows an individual to continue employment or obtain new
5 employment under paragraph (1) of this subsection, the judge shall designate either
6 the managing official of the local correctional facility or the Division of Parole and
7 Probation to supervise, arrange for, or obtain employment for the individual.

8 (3) NOTWITHSTANDING ANY OTHER LAW OR POLICY TO THE CONTRARY,
9 A JUDGE MAY ORDER THAT AN INDIVIDUAL BE ALLOWED TO IMMEDIATELY BEGIN
10 PARTICIPATION IN A WORK RELEASE PROGRAM.

11 11-717.

12 (a) In this section, "Director" means the Director of the Montgomery County
13 Department of Correction and Rehabilitation.

14 (b) This section applies only in Montgomery County.

15 (c) (1) The County Council shall establish work release and prerelease
16 programs in accordance with this section.

17 (2) A work release or prerelease program shall provide that an inmate of
18 the County Department of Correction and Rehabilitation, on approval of the Director,
19 may leave confinement during necessary and reasonable hours to seek or work at
20 gainful employment and to participate in other rehabilitative activities, including:

21 (i) intensive counseling;

22 (ii) academic education;

23 (iii) home visitation;

24 (iv) transitional phased release programs; and

25 (v) maximum use of other community resources or other similar
26 rehabilitative activities.

27 (d) (1) At any time during the confinement of an inmate of the County
28 Department of Correction and Rehabilitation, the judge who ordered the confinement
29 or, if that judge is unable to act, another judge of the committing court, may approve
30 the transfer of the inmate to the work release/prerelease center to participate in a
31 work release or prerelease program:

32 (i) in accordance with the selection requirements and programs
33 established by the County Council; and

34 (ii) after a recommendation by the Director or the Director's
35 designee.

1 (2) After the inmate enters the work release or prerelease program, the
2 judge who ordered confinement or, if that judge is unable to act, another judge of the
3 committing court, may order the release of the inmate from custody based on:

4 (i) the recommendation of the Director or Director's designee; and

5 (ii) the report of the inmate's performance in the work release or
6 prerelease program.

7 (3) When not employed or otherwise participating in a work release
8 program, the inmate shall be confined in the prerelease center unless the committing
9 court directs otherwise.

10 (4) NOTWITHSTANDING ANY OTHER LAW OR POLICY TO THE CONTRARY,
11 A JUDGE MAY ORDER THAT AN INDIVIDUAL BE ALLOWED TO IMMEDIATELY BEGIN
12 PARTICIPATION IN A WORK RELEASE PROGRAM.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2006.