

# HOUSE BILL 1227

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71r2849

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By: **Carroll County Delegation**

Introduced and read first time: February 21, 2007

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Carroll County – Pretrial and Work Release Programs**

3 FOR the purpose of authorizing the Sheriff of Carroll County to establish a pretrial  
4 release program that offers an alternative to pretrial detention and to adopt  
5 certain regulations; authorizing a court to order an individual to participate in  
6 the pretrial release program under certain conditions; authorizing the court to  
7 make the order at certain times; establishing certain eligibility requirements;  
8 authorizing the Sheriff to collect a certain fee from an individual participating  
9 in the program or waive or reduce the fee; altering the conditions under which a  
10 sentencing judge may not authorize an individual to participate in a work  
11 release program to restrict an individual that has charges pending for a certain  
12 crime of violence; altering the reasons for which an inmate, with certain  
13 approval, may leave confinement to participate in certain activities; repealing a  
14 certain provision that an inmate ordered to participate in certain rehabilitative  
15 activity may leave confinement under the supervision of the Sheriff; defining a  
16 certain term; making technical corrections; and generally relating to pretrial  
17 and work release programs in Carroll County.

18 BY repealing and reenacting, with amendments,  
19 Article – Correctional Services  
20 Section 11–708  
21 Annotated Code of Maryland  
22 (1999 Volume and 2006 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Correctional Services**

11-708.

(a) This section applies only in Carroll County.

**(B) IN THIS SECTION, “CRIME OF VIOLENCE” HAS THE MEANING STATED IN §14-101 OF THE CRIMINAL LAW ARTICLE.**

**(C) (1) THE SHERIFF MAY:**

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

**(II) ADOPT REGULATIONS TO ADMINISTER THE PROGRAM.**

**(2) A COURT MAY ORDER AN INDIVIDUAL TO PARTICIPATE IN THE PRETRIAL RELEASE PROGRAM IF THE INDIVIDUAL:**

**(I) APPEARS BEFORE THE COURT AFTER BEING CHARGED AND DETAINED ON BOND; AND**

**(II) MEETS THE ELIGIBILITY REQUIREMENTS OF PARAGRAPH (4) OF THIS SUBSECTION.**

**(3) THE COURT MAY MAKE THE ORDER AT THE IMPOSITION OF BOND, ON REVIEW OF BOND, OR ANY OTHER TIME DURING THE INDIVIDUAL’S PRETRIAL DETENTION.**

**(4) AN INDIVIDUAL IS ELIGIBLE FOR THE PRETRIAL RELEASE PROGRAM IF THE INDIVIDUAL:**

**(I) HAS NO OTHER CHARGES PENDING IN ANY JURISDICTION FOR A CRIME OF VIOLENCE; AND**

**(II) IS NOT IN DETENTION FOR:**

**1. A CRIME OF VIOLENCE; OR**

1                                   **2. THE CRIME OF ESCAPE UNDER § 9-404 OF THE**  
2 **CRIMINAL LAW ARTICLE.**

3                                   **(5) THE SHERIFF MAY:**

4                                   **(I) COLLECT FROM EACH INDIVIDUAL PARTICIPATING IN**  
5 **THE PRETRIAL RELEASE PROGRAM A REASONABLE FEE FOR THE COST OF**  
6 **SUPERVISION AND ADMINISTRATION OF THE PROGRAM; OR**

7                                   **(II) WAIVE OR REDUCE THE FEE.**

8                   **[(b)] (D)**    (1)    The Sheriff's [Department] **OFFICE** may establish a work  
9 release program.

10                               (2)    At the time of sentencing or at any time during an individual's  
11 confinement, the court may sentence the individual to participate in the work release  
12 program if the individual:

13                               (i)    has been sentenced to the custody of the Sheriff; and

14                               (ii)   has no other charges pending in any jurisdiction **FOR A**  
15 **CRIME OF VIOLENCE.**

16                               (3)    An inmate who has been sentenced to participate in the work  
17 release program may continue regular employment or obtain new employment.

18                               (4)    [If the Sheriff's Department approves] **ON APPROVAL OF THE**  
19 **SHERIFF OR WARDEN**, an inmate who has been sentenced to the Carroll County  
20 Detention Center may leave the Detention Center to work [or to] **TO**, seek  
21 employment, **OBTAIN MEDICAL SERVICES, PARTICIPATE IN EDUCATIONAL,**  
22 **REHABILITATIVE, OR TRAINING PROGRAMS, OR PARTICIPATE IN OTHER**  
23 **ACTIVITIES DETERMINED TO BE APPROPRIATE.**

24                               (5)    [An inmate who has been ordered by a court to participate in a  
25 rehabilitative activity may leave the Carroll County Detention Center under the  
26 supervision of the Sheriff's Department.

27                               (6)] An inmate who has been sentenced to the Carroll County  
28 Detention Center shall be confined to the Detention Center:

29                               (i)    except as provided in this subsection; or

1 (ii) unless a court orders otherwise.

2 [(7)] (6) An inmate who is employed under the work release program  
3 shall:

4 (i) reimburse the Sheriff's [Department] OFFICE for:

5 1. the estimated cost to the [Department] SHERIFF'S  
6 OFFICE of food and lodging for the inmate; and

7 2. estimated expenses incurred by the [Department]  
8 SHERIFF'S OFFICE because of the participation of the inmate in the program; and

9 (ii) pay to the Sheriff court-ordered payments for restitution.

10 [(8)] (7) An inmate who violates a condition or provision of trust that  
11 a court, the Sheriff, or Sheriff's designee establishes is subject to:

12 (i) removal from the work release program; and

13 (ii) cancellation of any earned diminution of the inmate's term  
14 of confinement.

15 [(c)] (E) (1) The Sheriff shall:

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

17 (ii) adopt regulations for the home detention program.

18 (2) At the time of sentencing or at any time during an individual's  
19 confinement, the sentencing judge may require an individual who is convicted of a  
20 crime and sentenced to imprisonment under the custody of the Sheriff to participate in  
21 the home detention program.

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

24 (i) the sentencing judge recommends the inmate for sentencing  
25 to the home detention program; and

26 (ii) the inmate has no other charges pending in any jurisdiction.

- 1 (4) An inmate is not eligible for the home detention program if the  
2 inmate:
- 3 (i) is serving a sentence for a crime of violence; or
- 4 (ii) has been found guilty of the crime of:
- 5 1. child abuse under § 3–601 or § 3–602 of the Criminal  
6 Law Article; or
- 7 2. escape under § 9–404 of the Criminal Law Article.
- 8 (5) While participating in the home detention program, an inmate is  
9 responsible for:
- 10 (i) medical care and related expenses; and
- 11 (ii) costs of clothes, food, lodging, restitution, taxes, and  
12 transportation.
- 13 (6) The Sheriff may:
- 14 (i) collect from each inmate participating in the home detention  
15 program a reasonable fee for the cost of electronic supervision and administration of  
16 the program; or
- 17 (ii) waive or reduce the fee.
- 18 (7) The Sheriff may limit the number of inmates in the home detention  
19 program.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2007.