

HOUSE BILL 1227

E2

71r2849

By: **Carroll County Delegation**

Introduced and read first time: February 21, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 5, 2007

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2007

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 11-708
2 Annotated Code of Maryland
3 (1999 Volume and 2006 Supplement)

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

6 **Article – Correctional Services**

7 11-708.

8 (a) This section applies only in Carroll County.

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

11 (c) (1) **THE SHERIFF MAY:**

12 (i) **ESTABLISH A PRETRIAL RELEASE PROGRAM THAT**
13 **OFFERS ALTERNATIVES TO PRETRIAL DETENTION; AND**

14 (ii) **ADOPT REGULATIONS TO ADMINISTER THE PROGRAM.**

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

17 (i) **APPEARS BEFORE THE COURT AFTER BEING CHARGED**
18 **AND DETAINED ON BOND; AND**

19 (ii) **MEETS THE ELIGIBILITY REQUIREMENTS OF**
20 **PARAGRAPH (4) OF THIS SUBSECTION.**

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

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

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

1 (II) IS NOT IN DETENTION FOR:

2 1. A CRIME OF VIOLENCE; OR

3 2. THE CRIME OF ESCAPE UNDER § 9-404 OF THE
4 CRIMINAL LAW ARTICLE.

5 (5) THE SHERIFF MAY:

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

9 (II) WAIVE OR REDUCE THE FEE.

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

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

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

16 (ii) has no other charges pending in any jurisdiction FOR A
17 CRIME OF VIOLENCE.

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

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

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

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

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

4 (ii) unless a court orders otherwise.

5 [(7)] **(6)** An inmate who is employed under the work release program
6 shall:

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

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

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

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

13 [(8)] **(7)** An inmate who violates a condition or provision of trust that
14 a court, the Sheriff, or Sheriff's designee establishes is subject to:

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

16 (ii) cancellation of any earned diminution of the inmate's term
17 of confinement.

18 [(c)] **(E)** (1) The Sheriff shall:

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

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

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

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

- 1 (i) the sentencing judge recommends the inmate for sentencing
2 to the home detention program; and
- 3 (ii) the inmate has no other charges pending in any jurisdiction.
- 4 (4) An inmate is not eligible for the home detention program if the
5 inmate:
- 6 (i) is serving a sentence for a crime of violence; or
- 7 (ii) has been found guilty of the crime of:
- 8 1. child abuse under § 3–601 or § 3–602 of the Criminal
9 Law Article; or
- 10 2. escape under § 9–404 of the Criminal Law Article.
- 11 (5) While participating in the home detention program, an inmate is
12 responsible for:
- 13 (i) medical care and related expenses; and
- 14 (ii) costs of clothes, food, lodging, restitution, taxes, and
15 transportation.
- 16 (6) The Sheriff may:
- 17 (i) collect from each inmate participating in the home detention
18 program a reasonable fee for the cost of electronic supervision and administration of
19 the program; or
- 20 (ii) waive or reduce the fee.
- 21 (7) The Sheriff may limit the number of inmates in the home detention
22 program.

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