

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

House Bill 1227  
Judiciary

(Carroll County Delegation)

Judicial Proceedings

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**Carroll County - Pretrial and Work Release Programs**

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This bill authorizes the Sheriff of Carroll County to establish a pretrial release program that offers alternatives to pretrial detention and to adopt regulations to administer the program. The bill authorizes a court to order an individual to participate in the county pretrial release program if the individual: (1) appears before the court after being charged and detained on bond; and (2) meets the program's eligibility requirements. The court may issue such an order at the imposition of bond, on bond review, or at any other time during the individual's pretrial detention.

An individual is eligible for the program if the individual: (1) has no other charges pending in any jurisdiction for a crime of violence; and (2) not in detention for or been previously convicted of a crime of violence or the crime of escape. The sheriff may collect or waive a reasonable participation fee to cover the program costs. The bill also modifies and expands participation provisions relating to the county's work release program, as specified.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** None. This bill clarifies the authority of the Sheriff in Carroll County on matters relating to pretrial detention and work release programs.

**Small Business Effect:** None.

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## Analysis

**Current Law and Background:** Chapter 557 of 2005 authorized the Administrator of the Anne Arundel County Department of Detention Facilities to establish a pretrial release program. The Act also made certain changes applicable to the existing rehabilitation, home detention, and work programs.

Chapter 249 of 2005 altered eligibility criteria for inmates in the custody of the Sheriff of Washington County to participate in a county home detention, work release, or pretrial program. Specifically, under the Act, an inmate is eligible if recommended for such a program by the court and meets eligibility criteria set by the sheriff. Chapter 249 repealed a requirement that the inmate must have no other charges pending in any jurisdiction.

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.

In addition to Anne Arundel and Washington counties, 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.”

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Carroll County, Department of Legislative Services

**Fiscal Note History:** First Reader - March 14, 2007  
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