

HOUSE BILL 1733

E4

8lr3672

By: **Delegate Haynes**

Introduced and read first time: February 19, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Local Correctional Facilities – Requirement for Prerelease Programs**

3 FOR the purpose of requiring the governing body of each county that receives State funding
4 for certain purposes to establish a certain prerelease program for individuals
5 confined in certain local correctional facilities; requiring a prerelease program to
6 provide that a certain inmate may participate in certain rehabilitative activities
7 under certain circumstances; authorizing a certain judge to approve the transfer of
8 a certain inmate to a prerelease center to participate in a prerelease program under
9 certain circumstances; authorizing a certain judge to approve the release from
10 custody of a certain inmate under certain circumstances; requiring the director of
11 the local correctional facility or the director's designee to collect the earnings of a
12 certain inmate, to make certain deductions for certain purposes, and to take certain
13 steps with the balance; providing certain sanctions for an inmate who violates a
14 certain trust or condition; and generally relating to prerelease programs in local
15 correctional facilities.

16 BY adding to
17 Article – Correctional Services
18 Section 11–608
19 Annotated Code of Maryland
20 (2017 Replacement Volume)

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

23 **Article – Correctional Services**

24 **11–608.**

25 **(A) THE GOVERNING BODY OF EACH COUNTY THAT RECEIVES STATE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 FUNDING FOR PUBLIC SAFETY SHALL ESTABLISH A PRERELEASE PROGRAM FOR
2 INDIVIDUALS CONFINED IN LOCAL CORRECTIONAL FACILITIES IN THAT
3 JURISDICTION IN ACCORDANCE WITH THIS SECTION.

4 (B) A PRERELEASE PROGRAM SHALL PROVIDE THAT AN INMATE OF THE
5 LOCAL CORRECTIONAL FACILITY, ON APPROVAL OF THE DIRECTOR OF THE
6 FACILITY, MAY PARTICIPATE IN REHABILITATIVE ACTIVITIES, INCLUDING:

7 (1) JOB TRAINING;

8 (2) DRUG TREATMENT; AND

9 (3) MENTAL HEALTH TREATMENT.

10 (C) (1) AT ANY TIME DURING THE CONFINEMENT OF AN INMATE OF THE
11 LOCAL CORRECTIONAL FACILITY, THE JUDGE WHO ORDERED THE CONFINEMENT
12 OR, IF THAT JUDGE IS UNABLE TO ACT, ANOTHER JUDGE OF THE COMMITTING
13 COURT MAY APPROVE THE TRANSFER OF THE INMATE TO A PRERELEASE CENTER TO
14 PARTICIPATE IN A PRERELEASE PROGRAM:

15 (I) IN ACCORDANCE WITH THE SELECTION REQUIREMENTS
16 AND PROGRAMS ESTABLISHED BY THE GOVERNING BODY; AND

17 (II) AFTER A RECOMMENDATION BY THE DIRECTOR OF THE
18 FACILITY OR THE DIRECTOR'S DESIGNEE.

19 (2) AFTER THE INMATE ENTERS THE PRERELEASE PROGRAM, THE
20 JUDGE WHO ORDERED CONFINEMENT OR, IF THAT JUDGE IS UNABLE TO ACT,
21 ANOTHER JUDGE OF THE COMMITTING COURT MAY ORDER THE RELEASE OF THE
22 INMATE FROM CUSTODY BASED ON:

23 (I) THE RECOMMENDATION OF THE DIRECTOR OF THE
24 FACILITY OR THE DIRECTOR'S DESIGNEE; AND

25 (II) THE REPORT OF THE INMATE'S PERFORMANCE IN THE
26 PRERELEASE PROGRAM.

27 (D) (1) THE DIRECTOR OF THE FACILITY OR THE DIRECTOR'S DESIGNEE
28 SHALL COLLECT THE EARNINGS OF AN INMATE PARTICIPATING IN A PRERELEASE
29 PROGRAM UNDER THIS SECTION, LESS ANY PAYROLL DEDUCTION REQUIRED BY
30 LAW.

31 (2) FROM THE EARNINGS OF THE INMATE, THE DIRECTOR MAY

1 DEDUCT:

2 (I) THE AMOUNT DETERMINED TO BE THE COST TO THE
3 COUNTY OF PROVIDING FOOD, LODGING, AND CLOTHING FOR THE INMATE;

4 (II) ACTUAL AND NECESSARY FOOD, TRAVEL, AND OTHER
5 EXPENSES INCIDENTAL TO THE INMATE'S PARTICIPATION IN THE PROGRAM;

6 (III) AN AMOUNT THE INMATE IS LEGALLY OBLIGATED OR
7 DESIRES TO PAY FOR THE SUPPORT OF A DEPENDENT;

8 (IV) IF APPLICABLE, A REASONABLE AMOUNT TO REPAY THE
9 STATE OR THE COUNTY FOR AN ATTORNEY APPOINTED BY THE COURT; AND

10 (V) COURT-ORDERED PAYMENTS FOR RESTITUTION.

11 (3) THE DIRECTOR OF THE FACILITY SHALL:

12 (I) CREDIT TO THE INMATE'S ACCOUNT ANY REMAINING
13 BALANCE; AND

14 (II) DISPOSE OF THE BALANCE IN THE INMATE'S ACCOUNT AS
15 THE INMATE REQUESTS AND THE DIRECTOR APPROVES.

16 (E) IF AN INMATE VIOLATES A TRUST OR A CONDITION THAT THE
17 GOVERNING BODY ESTABLISHES FOR CONDUCT OR EMPLOYMENT, THE INMATE IS
18 SUBJECT TO:

19 (1) REMOVAL FROM THE PROGRAM; AND

20 (2) CANCELLATION OF ANY EARNED DIMINUTION OF THE INMATE'S
21 TERM OF CONFINEMENT.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2018.