

Chapter 741

(House Bill 110)

AN ACT concerning

St. Mary’s County – Inmate Release Programs

FOR the purpose of authorizing the St. Mary’s County Sheriff to establish a pretrial release program and a prerelease program; authorizing a certain inmate to leave a certain detention center for certain purposes; repealing a provision authorizing the Sheriff and the Board of County Commissioners of St. Mary’s County to charge a certain inmate a certain amount or fee to pay for certain costs; requiring the Sheriff or the Sheriff’s designee to collect the earnings of a certain inmate, less a certain deduction; authorizing the Sheriff to deduct certain amounts from the earnings of an inmate for certain purposes; requiring the Sheriff to credit to a certain inmate’s account a certain balance and dispose of a certain account balance in a certain manner; making a technical change; and generally relating to inmate release programs in St. Mary’s County.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–720
Annotated Code of Maryland
(2017 Replacement Volume)

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

Article – Correctional Services

11–720.

- (a) This section applies only in St. Mary’s County.
- (b) (1) The Sheriff may establish:
 - (i) a home detention program; [and]
 - (ii) a work release program;
 - (III) A PRETRIAL RELEASE PROGRAM; AND**
 - (IV) A PRERELEASE PROGRAM.**
- (2) (i) If the Sheriff establishes a program under this section, the

Sheriff shall adopt regulations necessary to implement each program established.

(ii) If a condition that a court imposes on an inmate is inconsistent with a regulation adopted under this subsection, the condition imposed by the court controls as to that inmate.

(c) (1) At the time of sentencing or at any time during an individual's confinement, the court may allow the individual to participate in any program established under this section if the individual:

(i) is sentenced to the custody of the Sheriff; and

(ii) has no other charges for a felony or a violation of a crime of violence as defined in § 14–101 of the Criminal Law Article pending in any jurisdiction.

(2) An inmate who is participating in any program established under this section and who is sentenced to the St. Mary's County Detention **AND REHABILITATION** Center may leave the detention center to:

(i) continue regular employment;

(ii) seek new employment; [or]

(iii) attend any court–ordered treatment appointments;

(IV) RECEIVE INTENSIVE COUNSELING;

(V) OBTAIN ACADEMIC EDUCATION; OR

(VI) MAXIMIZE USE OF OTHER COMMUNITY RESOURCES OR OTHER SIMILAR REHABILITATIVE ACTIVITIES.

[(d) The Sheriff and the Board of County Commissioners of St. Mary's County may charge an inmate participating in the work release program a reasonable monetary amount or program participation fee to pay for the costs incurred by the county for providing the inmate with food, lodging, and clothing.]

(D) (1) THE SHERIFF OR THE SHERIFF'S DESIGNEE SHALL COLLECT THE EARNINGS OF AN INMATE PARTICIPATING IN A PROGRAM ESTABLISHED UNDER THIS SECTION, LESS ANY PAYROLL DEDUCTION REQUIRED BY LAW.

(2) FROM THE EARNINGS OF THE INMATE, THE SHERIFF MAY DEDUCT:

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

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

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

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

(V) COURT-ORDERED PAYMENTS FOR RESTITUTION.

(3) THE SHERIFF SHALL:

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

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

(e) (1) If an inmate violates a trust or a condition that a court or Sheriff has established for participating in any program established under this section, the Sheriff or the Sheriff's designee shall notify the court in writing of the violation.

(2) An inmate who violates a trust or a condition that a court or Sheriff has established for participating in any program established under this section is subject to:

(i) removal from the program; and

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

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

Approved by the Governor, May 15, 2018.