

HOUSE BILL 407

E4, E2
HB 1757/18 – HRU

9lr1160
CF SB 217

By: **Delegate Beitzel**

Introduced and read first time: January 30, 2019

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Garrett County – Pretrial Release, Work Release, and Home Detention**
3 **Programs**

4 FOR the purpose of repealing the authority of the Board of County Commissioners and the
5 Sheriff of Garrett County to establish and administer a home detention program and
6 provide for other alternative sentencing options; authorizing the Sheriff of Garrett
7 County to establish a certain pretrial release program and adopt certain regulations;
8 authorizing a court to order a certain individual to participate in the pretrial release
9 program; authorizing the court to make the order at certain times during a certain
10 individual's pretrial detention; providing for eligibility for the pretrial release
11 program; authorizing the Sheriff to establish and direct a certain work release
12 program and adopt certain guidelines; authorizing a sentencing judge or certain
13 other judge to order a certain individual to participate in the work release program
14 under certain circumstances; authorizing the court to allow a certain inmate to leave
15 certain confinement to participate in a certain program; requiring a certain inmate
16 to be confined in certain circumstances; requiring the Sheriff or Sheriff's designee to
17 collect, deduct from, and disburse certain earnings of a certain inmate for certain
18 purposes; requiring the Sheriff to take certain actions with regard to a certain
19 account balance; providing that a certain inmate is subject to certain sanctions in
20 certain circumstances; requiring the Sheriff to establish and administer a certain
21 home detention program and adopt certain regulations; authorizing a certain
22 sentencing judge to allow a certain individual to participate in the home detention
23 program; providing for eligibility for a certain home detention program; providing
24 that a certain inmate is responsible for certain costs; authorizing the Sheriff to
25 collect, waive, or reduce a certain fee; authorizing the Sheriff to make a certain

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.



determination; providing that a certain inmate is subject to certain penalties under certain circumstances; providing for the application of this Act; and generally relating to pretrial release, work release, and home detention programs in Garrett County.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–713
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Correctional Services

11–713.

(a) This section applies only in Garrett County.

[(b) The Board of County Commissioners and the Sheriff of Garrett County may establish and administer a home detention program and provide for other alternative sentencing options.]

(B) (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 AT ANY OTHER TIME DURING THE INDIVIDUAL’S PRETRIAL DETENTION.

(4) AN INDIVIDUAL IS ELIGIBLE FOR THE PRETRIAL RELEASE

1 PROGRAM IF THE INDIVIDUAL:

2 (I) IS RECOMMENDED TO THE COURT FOR PLACEMENT IN THE
3 PROGRAM BY THE PROGRAM STAFF;

4 (II) HAS NO OTHER CHARGES PENDING IN ANY JURISDICTION;
5 AND

6 (III) IS NOT IN DETENTION FOR:

7 1. A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF
8 THE CRIMINAL LAW ARTICLE; OR

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

11 (C) (1) THE SHERIFF'S OFFICE MAY:

12 (I) ESTABLISH AND DIRECT A WORK RELEASE PROGRAM; AND

13 (II) ADOPT GUIDELINES FOR THE OPERATION OF THE
14 PROGRAM.

15 (2) (I) AT THE TIME OF SENTENCING, OR AT ANY TIME DURING AN
16 INDIVIDUAL'S CONFINEMENT, THE SENTENCING JUDGE MAY ORDER THAT AN
17 INDIVIDUAL PARTICIPATE IN THE WORK RELEASE PROGRAM, SUBJECT TO THE
18 GUIDELINES ADOPTED BY THE SHERIFF.

19 (II) IF THE SENTENCING JUDGE IS UNABLE TO ACT AT THE TIME
20 OF AN INMATE'S PETITION FOR WORK RELEASE, ANOTHER JUDGE OF THE
21 COMMITTING COURT MAY ORDER THE INMATE TO PARTICIPATE IN THE WORK
22 RELEASE PROGRAM.

23 (3) IN ORDERING AN INMATE TO PARTICIPATE IN THE WORK RELEASE
24 PROGRAM, THE COURT MAY ALLOW THE INMATE TO LEAVE ACTUAL CONFINEMENT
25 TO:

26 (I) WORK AT GAINFUL, PRIVATE EMPLOYMENT; OR

27 (II) PARTICIPATE IN AN EDUCATIONAL, REHABILITATIVE, OR
28 TRAINING PROGRAM IN THE COUNTY.

29 (4) UNLESS THE COMMITTING COURT DIRECTS OTHERWISE, AN

1 INMATE SHALL BE CONFINED IN THE DETENTION CENTER WHEN NOT
2 PARTICIPATING IN THE WORK RELEASE PROGRAM.

3 (5) (I) THE SHERIFF OR THE SHERIFF'S DESIGNEE SHALL
4 COLLECT THE EARNINGS OF AN INMATE IN THE WORK RELEASE PROGRAM, LESS
5 PAYROLL DEDUCTIONS REQUIRED BY LAW.

6 (II) FROM THE EARNINGS OF THE INMATE, THE SHERIFF SHALL
7 DEDUCT AND DISBURSE:

8 1. AN AMOUNT DETERMINED TO BE THE COST TO THE
9 COUNTY FOR FOOD, LODGING, AND CLOTHING FOR THE INMATE;

10 2. THE ACTUAL COST OF NECESSARY FOOD AND TRAVEL
11 AND OTHER EXPENSES INCIDENTAL TO THE INMATE'S PARTICIPATION IN THE
12 PROGRAM;

13 3. ANY AMOUNT A COURT IMPOSES FOR A FINE, COST, OR
14 RESTITUTION;

15 4. ANY AMOUNT THAT THE INMATE IS LEGALLY
16 OBLIGATED OR REASONABLY DESIRES TO PAY FOR SUPPORT OF A DEPENDENT; AND

17 5. IF APPLICABLE, ANY AMOUNT THAT A COURT ORDERS
18 THE INMATE TO REPAY TO THE STATE OR TO THE COUNTY FOR THE SERVICES OF AN
19 ATTORNEY APPOINTED BY THE COURT.

20 (III) THE SHERIFF SHALL:

21 1. CREDIT TO THE INMATE'S ACCOUNT THE REMAINING
22 BALANCE; AND

23 2. DISPOSE OF THE BALANCE IN THE INMATE'S ACCOUNT
24 AS THE INMATE REASONABLY REQUESTS AND AS THE SHERIFF APPROVES.

25 (6) IF AN INMATE VIOLATES A TRUST OR A CONDITION THAT A JUDGE
26 OR THE SHERIFF ESTABLISHES FOR CONDUCT OR EMPLOYMENT, AFTER AN
27 ADMINISTRATIVE HEARING THAT UPHOLDS THE VIOLATION, THE INMATE IS
28 SUBJECT TO:

29 (I) REMOVAL FROM THE WORK RELEASE PROGRAM; AND

30 (II) CANCELLATION OF ANY EARNED DIMINUTION OF THE

1 INMATE'S TERM OF CONFINEMENT.

2 (D) (1) THE SHERIFF SHALL:

3 (I) ESTABLISH AND ADMINISTER A HOME DETENTION
4 PROGRAM; AND

5 (II) ADOPT REGULATIONS FOR THE PROGRAM.

6 (2) AT THE TIME OF SENTENCING, OR AT ANY TIME DURING AN
7 INDIVIDUAL'S CONFINEMENT, THE SENTENCING JUDGE MAY ALLOW AN INDIVIDUAL
8 WHO IS CONVICTED OF A CRIME AND SENTENCED TO IMPRISONMENT TO
9 PARTICIPATE IN THE HOME DETENTION PROGRAM.

10 (3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, AN INMATE IS
11 ELIGIBLE FOR THE HOME DETENTION PROGRAM IF THE INMATE:

12 (I) IS RECOMMENDED FOR THE PROGRAM BY THE SENTENCING
13 JUDGE; AND

14 (II) HAS NO OTHER CHARGES PENDING IN ANY JURISDICTION.

15 (4) AN INMATE IS NOT ELIGIBLE FOR THE HOME DETENTION
16 PROGRAM IF THE INMATE:

17 (I) IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE AS
18 DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; OR

19 (II) HAS BEEN FOUND GUILTY OF THE CRIME OF:

20 1. CHILD ABUSE UNDER § 3-601 OR § 3-602 OF THE
21 CRIMINAL LAW ARTICLE; OR

22 2. ESCAPE UNDER § 9-404 OF THE CRIMINAL LAW
23 ARTICLE.

24 (5) WHILE PARTICIPATING IN THE HOME DETENTION PROGRAM, AN
25 INMATE IS RESPONSIBLE FOR:

26 (I) THE INMATE'S MEDICAL CARE AND RELATED EXPENSES;
27 AND

28 (II) COSTS OF LODGING, FOOD, CLOTHING, TRANSPORTATION,

1 RESTITUTION, AND TAXES.

2 (6) THE SHERIFF MAY:

3 (I) COLLECT A REASONABLE FEE FROM EACH INMATE
4 PARTICIPATING IN THE HOME DETENTION PROGRAM; OR

5 (II) WAIVE OR REDUCE THE FEE.

6 (7) THE SHERIFF MAY DETERMINE THE MAXIMUM NUMBER OF
7 INMATES THAT MAY PARTICIPATE IN THE HOME DETENTION PROGRAM.

8 (8) AN INMATE WHO KNOWINGLY VIOLATES A TERM OR A CONDITION
9 OF THE HOME DETENTION PROGRAM IS SUBJECT TO THE PENALTIES PROVIDED
10 UNDER § 11-726 OF THIS SUBTITLE AND OTHER DISCIPLINARY ACTION PROVIDED
11 BY LAW.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.