

HOUSE BILL 1406

E4

9lr2887

By: **Chair, Howard County Delegation**

Introduced and read first time: February 28, 2019

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Department of Correction – Authority to Establish Programs**

3 **Ho. Co. 29–19**

4 FOR the purpose of authorizing the Howard County Department of Correction to establish
5 community service and pretrial services programs; authorizing a certain program to
6 include a certain inmate's participation in a certain program; authorizing the
7 Director of the Howard County Department of Correction to adopt regulations
8 relating to the operation of certain programs; authorizing a certain judge or court to
9 allow a certain individual to participate in a certain program under certain
10 circumstances; authorizing a certain inmate to leave the Howard County Detention
11 Center under certain circumstances; authorizing a certain inmate to continue
12 regular employment or obtain new employment; requiring that a certain inmate be
13 confined to the Howard County Detention Center under certain circumstances;
14 requiring a certain inmate to make certain payments; providing that a certain
15 inmate is not an agent or employee of a certain entity; providing that a certain
16 inmate is subject to removal from a certain program and cancellation of certain
17 diminution credits; altering an incorrect reference; and generally relating to the
18 Howard County Department of Correction.

19 BY repealing and reenacting, with amendments,
20 Article – Correctional Services
21 Section 11–715
22 Annotated Code of Maryland
23 (2017 Replacement Volume and 2018 Supplement)

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

26 **Article – Correctional Services**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11–715.

2 (a) (1) In this section the following terms have the meanings indicated.

3 (2) “Department” means the Howard County Department of Correction.

4 (3) “Director” means the Director of the Howard County Department of
5 Correction.

6 (b) This section applies only in Howard County.

7 (c) (1) The Department may establish [a work release program] **PROGRAMS**
8 **FOR:**

9 (I) **WORK RELEASE;**

10 (II) **COMMUNITY SERVICE; AND**

11 (III) **PRETRIAL SERVICES.**

12 (2) [The work release] **A program ESTABLISHED UNDER THIS SECTION**
13 may include an inmate’s participation in a program of employment, rehabilitation, training,
14 education, or home detention.

15 (3) The Director may adopt regulations relating to the operation of [the
16 work release] **A program ESTABLISHED UNDER THIS SECTION.**

17 (d) (1) At the time of sentencing or at any time during an individual’s
18 confinement, the sentencing judge if available, or otherwise the court may allow an
19 individual to participate in [the work release] **A program ESTABLISHED UNDER THIS**
20 **SECTION** if the individual:

21 (i) has been sentenced to the custody of the Department; and

22 (ii) has no other charges pending in any jurisdiction for a crime of
23 violence as defined under [§ 14–101(c)] **§ 14–101** of the Criminal Law Article.

24 (2) If the Department approves, an inmate in the custody of the Howard
25 County Detention Center may leave the Center to participate in a [work release] program
26 **ESTABLISHED UNDER THIS SECTION.**

27 (3) An inmate who has been designated to participate in a [work release]
28 program **ESTABLISHED UNDER THIS SECTION** may:

29 (i) continue regular employment; or

1 (ii) obtain new employment.

2 (4) An inmate who has been sentenced to the custody of the Department
3 shall be confined to the Howard County Detention Center:

4 (i) except as provided in this section; or

5 (ii) unless a court orders otherwise.

6 (e) An inmate who is employed while in a [work release] program **ESTABLISHED**
7 under this section shall:

8 (1) reimburse the Department by paying a fee based on:

9 (i) the Department's estimated cost of providing food and lodging to
10 the inmate; and

11 (ii) the estimated expenses incurred by the Department because of
12 the inmate's participation in the [work release] program; and

13 (2) pay to the Director court-ordered payments for restitution.

14 (f) An inmate employed in the community under this section is not an agent or
15 employee of the county, the Director, the court or any judicial officer, or any public officer
16 of the county.

17 (g) An inmate who violates a condition or provision of trust that the court or the
18 Department establishes is subject to:

19 (1) removal from the [work release] program; and

20 (2) cancellation of any earned diminution of the inmate's term of
21 confinement.

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