

HOUSE BILL 1072

E4

11r1933
CF SB 750

By: **Charles County Delegation**

Introduced and read first time: February 5, 2021

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2021

CHAPTER _____

1 AN ACT concerning

2 **Charles County – Community Service and Pretrial Release Programs –**
3 **Authorization**

4 FOR the purpose of authorizing the Charles County Board of County Commissioners to
5 establish and provide for the administration of a certain community service program
6 in Charles County; ~~authorizing the Board to enact certain local laws and ordinances;~~
7 providing that a court may order a person to participate in the community service
8 program under certain circumstances; providing for a certain fee to be charged;
9 providing for the waiver by a court of a certain fee; requiring staff for the community
10 service program to report certain information to a court; authorizing the Board to
11 establish and provide for the administration of a pretrial release program in Charles
12 County; providing for a court to order a person to participate in the pretrial release
13 program under certain circumstances; ~~establishing certain requirements for the~~
14 ~~program;~~ requiring staff for the pretrial release program to take certain actions with
15 respect to the program; authorizing the Board and the Charles County Sheriff to
16 enter into a certain agreement; ~~requiring the Sheriff to notify staff for the pretrial~~
17 ~~release program of~~ staff of the pretrial release program to immediately report to the
18 court certain information; providing that a certain person who violates a certain
19 condition is subject to removal from the pretrial release program; and generally
20 relating to the establishment of community service and pretrial release programs in
21 Charles County.

22 BY repealing and reenacting, with amendments,

23 Article – Correctional Services

24 Section 11–710

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.



1 Annotated Code of Maryland
2 (2017 Replacement Volume and 2020 Supplement)

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

5 **Article – Correctional Services**

6 11–710.

7 (a) This section applies only in Charles County.

8 (b) While confined in the Charles County Detention Center, an inmate employed
9 under § 11–602 of this title shall pay:

10 (1) court–ordered payments for restitution; and

11 (2) an amount not to exceed one–third of the inmate’s net earnings for the
12 cost to Charles County of providing food, lodging, electronic monitoring devices, and
13 clothing for the inmate.

14 (c) The Charles County Sheriff shall:

15 (1) establish the per diem rate for an inmate’s food, lodging, electronic
16 monitoring, and clothing; and

17 (2) designate an agent to collect the costs specified in this section.

18 (d) The Sheriff’s designee shall deliver the amounts collected under subsection
19 (b)(2) of this section to the Charles County Treasurer.

20 **(E) (1) ~~(H)~~ SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION,**
21 **THE BOARD OF COUNTY COMMISSIONERS MAY ESTABLISH AND PROVIDE FOR THE**
22 **ADMINISTRATION OF A COMMUNITY SERVICE PROGRAM IN THE COUNTY.**

23 ~~**(H) THE BOARD OF COUNTY COMMISSIONERS MAY ENACT**~~
24 ~~**LOCAL LAWS PROVIDING FOR ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN**~~
25 ~~**A PROGRAM ESTABLISHED UNDER THIS SUBSECTION.**~~

26 **(2) A COURT MAY ORDER A PERSON TO PARTICIPATE IN THE**
27 **COMMUNITY SERVICE PROGRAM IF THE PERSON:**

28 **(I) HAS BEEN CONVICTED OF A CRIMINAL OFFENSE OR**
29 **RECEIVED PROBATION BEFORE JUDGMENT FOR A CRIMINAL OFFENSE; AND**

30 **(II) IS RECOMMENDED TO THE COURT FOR PLACEMENT IN THE**

1 PROGRAM BY THE PROGRAM STAFF.

2 (3) (I) A COMMUNITY SERVICE PROGRAM ESTABLISHED UNDER
3 THIS SUBSECTION MAY CHARGE A FEE NOT EXCEEDING \$40 FOR EACH 8-HOUR
4 PERIOD OF COMMUNITY SERVICE.

5 (II) THE COURT MAY WAIVE ALL OR PART OF A FEE CHARGED
6 UNDER THIS PARAGRAPH.

7 (4) THE COMMUNITY SERVICE PROGRAM STAFF SHALL REPORT TO
8 THE COURT WHEN A PERSON HAS COMPLETED OR FAILED TO COMPLETE
9 COMMUNITY SERVICE IN THE PROGRAM.

10 (F) (1) SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION, THE
11 BOARD OF COUNTY COMMISSIONERS MAY ESTABLISH AND PROVIDE FOR THE
12 ADMINISTRATION OF A PRETRIAL RELEASE PROGRAM IN THE COUNTY.

13 (2) A COURT MAY ORDER A PERSON TO PARTICIPATE IN THE
14 PRETRIAL RELEASE PROGRAM IF THE PERSON:

15 ~~(I) APPEARS BEFORE THE COURT AFTER BEING CHARGED WITH
16 A CRIMINAL OFFENSE AND DETAINED; AND~~

17 ~~(II) MEETS THE ELIGIBILITY REQUIREMENTS OF PARAGRAPH
18 (4) OF THIS SUBSECTION.~~

19 (3) (I) THE COURT MAY ORDER PARTICIPATION AT ANY TIME
20 DURING PRETRIAL DETENTION OF A PERSON.

21 (II) THE COURT SHALL REQUIRE A PERSON TO COMPLY WITH
22 ALL RULES AND CONDITIONS OF SUPERVISION FOR THE PROGRAM IF THE COURT
23 ORDERS THE PERSON TO PARTICIPATE IN THE PROGRAM.

24 (4) ~~A PERSON IS ELIGIBLE FOR THE PRETRIAL RELEASE PROGRAM IF
25 THE PERSON:~~

26 ~~(I) IS RECOMMENDED TO THE COURT FOR PLACEMENT IN THE
27 PROGRAM BY THE PROGRAM STAFF;~~

28 ~~(II) HAS NO OTHER CHARGES PENDING IN ANY JURISDICTION;
29 AND~~

30 ~~(III) IS NOT BEING DETAINED FOR;~~

1 1. ~~A CRIME OF VIOLENCE UNDER § 14-101 OF THE~~
2 ~~CRIMINAL LAW ARTICLE; OR~~

3 2. ~~THE CRIME OF ESCAPE UNDER § 9-404 OF THE~~
4 ~~CRIMINAL LAW ARTICLE.~~

5 (5) STAFF OF THE PRETRIAL RELEASE PROGRAM SHALL:

6 (I) ASSESS EACH PERSON REFERRED FOR ASSESSMENT TO THE
7 PROGRAM BY THE COURT;

8 (II) DEVELOP STANDARDS AND CRITERIA FOR RECOMMENDED
9 LEVELS OF SUPERVISION FOR THE PROGRAM;

10 (III) MAKE RECOMMENDATIONS TO THE COURT REGARDING
11 PLACEMENT OF A PERSON IN THE PROGRAM, INCLUDING WHETHER THE PERSON IS
12 SUITABLE FOR PLACEMENT IN THE PROGRAM, BASED ON SUPERVISION LEVELS
13 DEVELOPED UNDER ITEM (II) OF THIS PARAGRAPH;

14 (IV) SUPERVISE EACH PERSON ORDERED TO PARTICIPATE IN
15 THE PROGRAM; AND

16 (V) IMMEDIATELY REPORT TO THE COURT ANY VIOLATION OF A
17 CONDITION ESTABLISHED BY THE COURT OR THE PROGRAM.

18 (6) (5) SUPERVISION IN THE PRETRIAL RELEASE PROGRAM MAY
19 INCLUDE THE USE OF ELECTRONIC MONITORING AND DRUG AND ALCOHOL TESTING.

20 (7) (6) FOR EACH PERSON ORDERED TO PARTICIPATE IN THE
21 PRETRIAL RELEASE PROGRAM UNDER THIS SUBSECTION, THE BOARD OF COUNTY
22 COMMISSIONERS AND THE SHERIFF MAY ENTER INTO AN AGREEMENT PROVIDING
23 FOR THE FOLLOWING SERVICES TO BE PERFORMED ~~BY THE SHERIFF AT THE~~
24 ~~COUNTY'S EXPENSE:~~

25 (I) DRUG AND ALCOHOL TESTING;

26 (II) ELECTRONIC MONITORING; ~~AND~~

27 (III) CONDUCTING MEETINGS WITH EACH PERSON ORDERED TO
28 PARTICIPATE IN THE PROGRAM; AND

29 (IV) NOTIFICATION BY THE SHERIFF TO STAFF OF THE
30 PRETRIAL RELEASE PROGRAM OF ANY VIOLATIONS.

1 ~~(8) THE SHERIFF SHALL NOTIFY STAFF FOR THE PRETRIAL RELEASE~~
2 ~~PROGRAM OF ANY VIOLATION OF A CONDITION OF SUPERVISION FOR THE PROGRAM.~~

3 (7) STAFF OF THE PRETRIAL RELEASE PROGRAM SHALL
4 IMMEDIATELY REPORT TO THE COURT ANY VIOLATIONS OF A PERSON'S PRETRIAL
5 RELEASE.

6 ~~(9)~~ (8) A PERSON WHO VIOLATES A CONDITION ESTABLISHED BY
7 THE COURT OR THE PROGRAM IS SUBJECT TO REMOVAL FROM THE PROGRAM.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.