

SENATE BILL 898

E4, E2, D1

11r2849
CF HB 1331

By: **Senator Carter**

Introduced and read first time: February 9, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Criminal Justice Debt Elimination and Prevention Act of 2021**

3 FOR the purpose of altering who may be charged by certain licensed businesses for
4 providing home monitoring services under certain circumstances; repealing certain
5 fees and costs to certain inmates in certain counties; prohibiting the assessment of
6 fees against a defendant for home monitoring under certain circumstances;
7 prohibiting the court from imposing a monthly fee on a person under the supervision
8 of the Division of Parole and Probation; prohibiting the court from charging a filing
9 fee for a certain petition for expungement; repealing authorization for the court to
10 order that restitution be paid to certain governmental units; repealing authorization
11 for the Department of Public Safety and Correctional Services or the Department of
12 Juvenile Services to require certain restitution obligors to pay certain additional
13 fees; repealing the requirement for a certain court to order certain reimbursement
14 for certain services of the Office of the Public Defender; establishing that the Central
15 Collection Unit is not responsible for and may not collect certain fees or charges;
16 repealing the authorization for the Motor Vehicle Administration to suspend a
17 certain person's license under certain circumstances; repealing certain fees for an
18 ignition interlock device under certain circumstances; altering certain penalties; and
19 generally relating to debt elimination and prevention for criminal justice-related
20 matters.

21 BY repealing and reenacting, with amendments,
22 Article – Business Occupations and Professions
23 Section 20–308
24 Annotated Code of Maryland
25 (2018 Replacement Volume and 2020 Supplement)

26 BY repealing and reenacting, without amendments,
27 Article – Correctional Services
28 Section 11–702(a), 11–703(b), 11–704(b), 11–705(b), (c)(1), and (h)(1), 11–709(b) and
29 (c)(1), 11–711(b) and (c), 11–712(a) and (c)(1), 11–713(a) and (d)(1), 11–714(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 and (b), 11-715(b) and (c)(1), 11-716(b) and (c), 11-717(b), (c), and (e)(1),
2 11-718(b) and (d), 11-720(a), (b)(1), and (d)(1), 11-723(a) and (b)(1), and
3 11-724(b), (c), and (g)(1)

4 Annotated Code of Maryland
5 (2017 Replacement Volume and 2020 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Correctional Services
8 Section 11-702(d), 11-703(d) and (e)(4), 11-704(d), 11-705(h)(2), (j), and (q), 11-706
9 through 11-708, 11-709(f), 11-710, 11-711(g), 11-712(c)(5), 11-713(c)(5) and
10 (d)(7) and (8), 11-714(c), 11-715(e), 11-716(g), (i), and (k), 11-717(e)(2),
11 11-718(e), 11-719, 11-720(d)(2), 11-722, 11-723(b)(5), (7), and (8),
12 11-724(g)(2), and 11-725

13 Annotated Code of Maryland
14 (2017 Replacement Volume and 2020 Supplement)

15 BY repealing
16 Article – Correctional Services
17 Section 11-709(e), 11-713(d)(6), 11-716(j), and 11-723(b)(6)
18 Annotated Code of Maryland
19 (2017 Replacement Volume and 2020 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Courts and Judicial Proceedings
22 Section 7-503
23 Annotated Code of Maryland
24 (2020 Replacement Volume)

25 BY repealing and reenacting, with amendments,
26 Article – Criminal Procedure
27 Section 5-201, 6-226, 11-606(a)(2), 11-607(b), and 16-211
28 Annotated Code of Maryland
29 (2018 Replacement Volume and 2020 Supplement)

30 BY adding to
31 Article – Criminal Procedure
32 Section 10-101.1
33 Annotated Code of Maryland
34 (2018 Replacement Volume and 2020 Supplement)

35 BY repealing and reenacting, with amendments,
36 Article – Family Law
37 Section 10-119(b)
38 Annotated Code of Maryland
39 (2019 Replacement Volume and 2020 Supplement)

40 BY repealing and reenacting, with amendments,

1 Article – State Finance and Procurement
2 Section 3–302
3 Annotated Code of Maryland
4 (2015 Replacement Volume and 2020 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Transportation
7 Section 16–203, 16–303, 16–404.1(k), and 17–107
8 Annotated Code of Maryland
9 (2020 Replacement Volume)

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

12 **Article – Business Occupations and Professions**

13 20–308.

14 While a license is in effect, it authorizes the licensee to:

15 (1) operate, in accordance with applicable laws and regulations, a business
16 that provides monitoring services for a fee to **THE STATE OR COUNTY FOR** individuals
17 who are under a court order that requires monitoring by a private home detention
18 monitoring agency; and

19 (2) employ qualified individuals to work as private home detention
20 monitors on behalf of the licensee.

21 **Article – Correctional Services**

22 11–702.

23 (a) This section applies only in Allegany County.

24 (d) (1) The Sheriff shall:

25 (i) establish and administer a home detention program; and

26 (ii) adopt regulations for the program.

27 (2) At the time of sentencing or at any time during an individual's
28 confinement, the sentencing judge may allow an individual who is convicted of a crime and
29 sentenced to imprisonment to participate in the home detention program.

30 (3) Subject to paragraph (4) of this subsection, an inmate is eligible for the
31 home detention program if the inmate:

- 1 (i) is recommended for the program by the sentencing judge; and
- 2 (ii) has no other charges pending in any jurisdiction.
- 3 (4) An inmate is not eligible for the home detention program if the inmate:
- 4 (i) is serving a sentence for a crime of violence; or
- 5 (ii) has been found guilty of the crime of:
- 6 1. child abuse under § 3–601 or § 3–602 of the Criminal Law
- 7 Article; or
- 8 2. escape under § 9–404 of the Criminal Law Article.
- 9 (5) While participating in the home detention program an inmate is
- 10 responsible for:
- 11 (i) the inmate’s medical care and related expenses; and
- 12 (ii) costs of lodging, food, clothing, transportation, restitution, and
- 13 taxes.
- 14 (6) **[The Sheriff may:**
- 15 (i) collect a reasonable fee from each inmate participating in the
- 16 home detention program; or
- 17 (ii) waive or reduce the fee.
- 18 (7) The Sheriff may determine the maximum number of inmates that may
- 19 participate in the home detention program.
- 20 **[(8) (7)** An inmate who knowingly violates a term or a condition of the
- 21 home detention program is subject to the penalties provided under § 11–726 of this subtitle
- 22 and other disciplinary action provided by law.
- 23 11–703.
- 24 (b) This section applies only in Anne Arundel County.
- 25 (d) (1) The Administrator shall:
- 26 (i) establish and administer a home detention program; and
- 27 (ii) adopt regulations for the program.

1 (2) (i) When an individual who is convicted of a crime is sentenced or
2 at any time during the individual's confinement as an inmate, a judge may allow the
3 individual to participate in the home detention program.

4 (ii) In addition to participation at the recommendation of a judge
5 under subparagraph (i) of this paragraph, the Administrator may place the inmate in the
6 home detention program unless the court has ordered otherwise.

7 (3) Subject to paragraph (4) of this subsection, an inmate is eligible for the
8 home detention program if the inmate:

9 (i) is recommended for the program by a judge or placed in the
10 program by the Administrator under paragraph (2) of this subsection; and

11 (ii) has no other charges pending in any jurisdiction.

12 (4) An inmate is not eligible for the home detention program if the inmate:

13 (i) is serving a sentence for a crime of violence; or

14 (ii) has been found guilty of the crime of:

15 1. child abuse under § 3–601 or § 3–602 of the Criminal Law
16 Article; or

17 2. escape under § 9–404 of the Criminal Law Article.

18 (5) While participating in the home detention program, an inmate is
19 responsible for:

20 (i) the costs of the inmate's medical care and related expenses; and

21 (ii) the costs of the inmate's lodging, food, clothing, transportation,
22 restitution, and taxes.

23 (6) [The Administrator may:

24 (i) collect a reasonable fee from each inmate participating in the
25 home detention program; or

26 (ii) waive or reduce the fee.

27 (7)] The Administrator may determine the maximum number of
28 participants in the home detention program.

29 [(8)] (7) An inmate who knowingly violates a term or condition of the
30 home detention program is subject to:

1 (i) the penalties provided under § 11–726 of this subtitle; and

2 (ii) any other disciplinary action authorized under law.

3 (e) (4) (i) The Administrator or Administrator’s designee shall collect each
4 participant’s total earnings, less payroll deductions.

5 (ii) From the participant’s earnings, the Administrator or designee
6 shall pay:

7 1. voluntary or court–ordered payments for support of a
8 dependent; and

9 2. court–ordered payments for restitution.

10 (iii) [The Administrator may:

11 1. deduct a reasonable fee from the earnings of each inmate
12 participating in the program; or

13 2. waive or reduce the fee.

14 (iv)] The Administrator or designee shall:

15 1. credit to the participant’s account any remaining balance;
16 and

17 2. dispose of the balance as requested by the participant and
18 as approved by the Administrator.

19 11–704.

20 (b) This section applies only in Baltimore City.

21 (d) (1) An inmate who is employed under a work release program shall
22 surrender to the Commissioner or Commissioner’s designee the total earnings of the inmate
23 under the program, less payroll deductions required by law.

24 (2) From the net earnings of the inmate, the Commissioner or
25 Commissioner’s designee shall deduct in the following order of priority:

26 (i) [an amount not to exceed one–third of the inmate’s net earnings
27 for the cost to the State of providing food, lodging, electronic monitoring devices, and
28 clothing for the inmate;

29 (ii)] the actual and necessary food, travel, and other expenses of the

1 inmate when released from actual custody under the program;

2 [(iii)] (II) the amount, if any, that the inmate is legally obligated to
3 pay for the support of a dependent by court order directed to the Commissioner; and

4 [(iv)] (III) the amount for court-ordered payments for restitution.

5 (3) The Commissioner or Commissioner's designee shall pay any amount
6 deducted as required by paragraph [(2)(iii)] (2)(II) of this subsection as the court order
7 directs.

8 (4) The Commissioner or Commissioner's designee shall:

9 (i) credit to the inmate's account any remaining balance; and

10 (ii) pay the balance in the inmate's account to the inmate on release.

11 (5) If any part of the inmate's final earnings under a work release program
12 are required to satisfy the deductions specified in paragraph (2) of this subsection, the
13 balance of the final earnings shall be forwarded to the inmate within 15 days after the date
14 of release from the Baltimore City Detention Center.

15 11-705.

16 (b) This section applies only in Baltimore County.

17 (c) (1) The Administrator may establish and administer a work release
18 program.

19 (h) (1) The Administrator shall collect each participant's total earnings, less
20 payroll deductions.

21 (2) From the participant's earnings, the Administrator:

22 (i) [may pay the reasonable cost to the county of providing food,
23 lodging, and clothing for the participant;

24 (ii)] may make court-ordered payments for dependents;

25 [(iii)] (II) may pay court-ordered costs, fines, and restitution;

26 [(iv)] (III) if ordered by the court, may reimburse the State for the
27 court-appointed counsel; and

28 [(v)](IV) if ordered by the court, may reimburse the State for the
29 services of the public defender.

1 (j) (1) The Administrator may charge a participant a reasonable fee in an
2 amount not to exceed the actual costs incurred by the county for [food, travel,] TRAVEL
3 and other expenses related to the participant's participation in the work release program.

4 (2) THE ADMINISTRATOR MAY NOT CHARGE A PARTICIPANT COSTS
5 INCURRED BY THE COUNTY FOR LODGING OR FOOD.

6 (q) The Administrator may charge THE COUNTY PRETRIAL SERVICES
7 PROGRAM a reasonable fee for the actual cost of electronic supervision and other
8 administrative costs of the program.

9 11-706.

10 (a) This section applies only in Calvert County.

11 (b) (1) At the time of sentencing or on a hearing of a motion for reconsideration
12 of sentence, the court may sentence an individual who has been convicted of a crime to
13 participate for a fixed period in the work release program at the Calvert County Detention
14 Center.

15 (2) After an inmate enters the work release program, the sentencing judge
16 or, if the sentencing judge is unable to act, the judge of any court in the county may:

17 (i) order the release of the inmate from custody; and

18 (ii) consider the supervisor's recommendations and report of the
19 inmate's performance in making a determination to release the inmate.

20 (3) Subject to the directives and orders of the courts in the county, the
21 supervisor of the county work release program shall establish and administer the work
22 release program.

23 (4) During reasonable hours, an inmate in the work release program may
24 leave confinement to:

25 (i) work at gainful employment;

26 (ii) participate in an outside counseling or rehabilitative program; or

27 (iii) obtain other services that the supervisor of the program
28 considers necessary.

29 (5) (i) An inmate who is employed in accordance with this subsection
30 shall surrender to the supervisor of the program the inmate's total earnings, less payroll
31 deductions required by law.

1 (ii) From the earnings of the inmate, the supervisor shall deduct and
2 disburse in the following order of priority:

- 3 1. [food costs to the county;
- 4 2. lodging costs to the county;
- 5 3.] travel costs to the county;
- 6 [4.] 2 fines and costs imposed by the court;
- 7 [5.] 3. amounts that the inmate is obligated to pay for support of
8 a dependent; and
- 9 [6.] 4. court-ordered payments for restitution.

10 (iii) The supervisor of the program may assist in the financial
11 management of the inmate's other bills and debts.

12 (6) An inmate employed in the community under this subsection is not an
13 agent or employee of the county, the Sheriff, any judicial officer, or any public officer of the
14 county.

15 (7) An inmate who violates a trust or a condition that the supervisor
16 establishes for conduct and employment is subject to:

- 17 (i) removal from the program; and
- 18 (ii) cancellation of any earned diminution of the inmate's term of
19 confinement.

20 (c) (1) In this subsection, "Program" means the Community Services
21 Alternative Sentencing Program.

22 (2) There is a Community Services Alternative Sentencing Program in the
23 county Department of Public Safety.

24 (3) The Program shall administer community service projects for
25 individuals who are convicted of an offense and are referred to the Program by a court.

26 [(4) The County Commissioners may charge a reasonable fee to individuals
27 who participate in the Program to help defray Program expenses.]

28 (d) [(1) (i) An individual who is sentenced to participate in the substance
29 abuse treatment program at the county treatment facility shall pay a per diem fee in an

1 amount that the court determines to cover food, lodging, clothing, and other expenses
2 incidental to participation in the treatment program.

3 (ii) A court may waive part or all of the fee based on an individual's
4 ability to pay.

5 (2) The county attorney may bring a civil action to collect any arrearage
6 incidental to the per diem charge that remains unpaid 30 days after the individual's
7 discharge from the county treatment facility.

8 (e)] (1) The Sheriff may:

9 (i) establish a pretrial release program that offers alternatives to
10 pretrial detention; and

11 (ii) adopt regulations to administer the program.

12 (2) A court may order an individual to participate in the pretrial release
13 program if the individual:

14 (i) appears before the court after being charged and detained on
15 bond; and

16 (ii) meets the eligibility requirements of paragraph (4) of this
17 subsection.

18 (3) The court may make the order at the imposition of bond, on review of
19 bond, or any other time during the individual's pretrial detention.

20 (4) An individual is eligible for the pretrial release program if the
21 individual:

22 (i) is recommended to the court for placement in the program by the
23 program staff;

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

26 (iii) is not in detention for or been previously convicted of:

27 1. a crime of violence listed in § 14–101 of the Criminal Law
28 Article;

29 2. the crime of escape under § 9–404 of the Criminal Law
30 Article; or

31 3. a crime under § 5–612, § 5–613, or § 5–614 of the Criminal

1 Law Article.

2 11–707.

3 (a) This section applies only in Caroline County.

4 (b) While confined in the Caroline County Jail, an inmate employed under §
5 11–602 of this title shall pay[:

6 (1)] court–ordered payments for restitution[; and

7 (2) the cost of the inmate’s food, lodging, and clothing].

8 [(c) The County Commissioners shall:

9 (1) establish the per diem rate for an inmate’s food, lodging, and clothing;
10 and

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

12 11–708.

13 (a) This section applies only in Carroll County.

14 (b) In this section, “crime of violence” has the meaning stated in § 14–101 of the
15 Criminal Law Article.

16 (c) (1) The Sheriff may:

17 (i) establish a pretrial release program that offers alternatives to
18 pretrial detention; and

19 (ii) adopt regulations to administer the program.

20 (2) A court may order an individual to participate in the pretrial release
21 program if the individual:

22 (i) appears before the court after being charged and detained on
23 bond; and

24 (ii) meets the eligibility requirements of paragraph (4) of this
25 subsection.

26 (3) The court may make the order at the imposition of bond, on review of
27 bond, or any other time during the individual’s pretrial detention.

28 (4) An individual is eligible for the pretrial release program if the

1 individual:

2 (i) has no other charges pending in any jurisdiction for a crime of
3 violence; and

4 (ii) is not in detention for:

5 1. a crime of violence; or

6 2. the crime of escape under § 9–404 of the Criminal Law
7 Article.

8 [(5) The Sheriff may:

9 (i) collect from each individual participating in the pretrial release
10 program a reasonable fee for the cost of supervision and administration of the program; or

11 (ii) waive or reduce the fee.]

12 (d) (1) The Sheriff's Office may establish a work release program.

13 (2) At the time of sentencing or at any time during an individual's
14 confinement, the court may sentence the individual to participate in the work release
15 program if the individual:

16 (i) has been sentenced to the custody of the Sheriff; and

17 (ii) has no other charges pending in any jurisdiction for a crime of
18 violence.

19 (3) An inmate who has been sentenced to participate in the work release
20 program may continue regular employment or obtain new employment.

21 (4) On approval of the Sheriff or Warden, an inmate who has been
22 sentenced to the Carroll County Detention Center may leave the Detention Center to work,
23 seek employment, obtain medical services, or participate in educational, rehabilitative, or
24 training programs.

25 (5) An inmate who has been sentenced to the Carroll County Detention
26 Center shall be confined to the Detention Center:

27 (i) except as provided in this subsection; or

28 (ii) unless a court orders otherwise.

29 (6) An inmate who is employed under the work release program shall:

1 (i) reimburse the Sheriff's Office for[:

2 1. the estimated cost to the Sheriff's Office of food and
3 lodging for the inmate; and

4 2.] estimated expenses incurred by the Sheriff's Office
5 because of the participation of the inmate in the program; and

6 (ii) pay to the Sheriff court-ordered payments for restitution.

7 (7) An inmate who violates a condition or provision of trust that a court,
8 the Sheriff, or Sheriff's designee establishes is subject to:

9 (i) removal from the work release program; and

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

12 (e) (1) The Sheriff shall:

13 (i) establish and administer a home detention program; and

14 (ii) adopt regulations for the home detention program.

15 (2) At the time of sentencing or at any time during an individual's
16 confinement, the sentencing judge may require an individual who is convicted of a crime
17 and sentenced to imprisonment under the custody of the Sheriff to participate in the home
18 detention program.

19 (3) Subject to paragraph (4) of this subsection, an inmate is eligible for the
20 home detention program if:

21 (i) the sentencing judge recommends the inmate for sentencing to
22 the home detention program; and

23 (ii) the inmate has no other charges pending in any jurisdiction.

24 (4) An inmate is not eligible for the home detention program if the inmate:

25 (i) is serving a sentence for a crime of violence; or

26 (ii) has been found guilty of the crime of:

27 1. child abuse under § 3-601 or § 3-602 of the Criminal Law
28 Article; or

29 2. escape under § 9-404 of the Criminal Law Article.

1 (5) While participating in the home detention program, an inmate is
2 responsible for:

3 (i) medical care and related expenses; and

4 (ii) costs of clothes, food, lodging, restitution, taxes, and
5 transportation.

6 (6) **[The Sheriff may:**

7 (i) collect from each inmate participating in the home detention
8 program a reasonable fee for the cost of electronic supervision and administration of the
9 program; or

10 (ii) waive or reduce the fee.

11 (7) **The Sheriff may limit the number of inmates in the home detention**
12 **program.**

13 11-709.

14 (b) This section applies only in Cecil County.

15 (c) (1) The Sheriff may establish programs for:

16 (i) home detention;

17 (ii) pretrial release;

18 (iii) work release; and

19 (iv) prerelease.

20 **[(e) The Sheriff may charge an inmate participating in a program established**
21 **under this section a reasonable program participation fee to pay for the costs incurred by**
22 **the county for the management and administration of the program.]**

23 **[(f) (E) (1) If an inmate violates a trust or a condition that a court or the**
24 **Sheriff has established for participating in a program under this section, the Sheriff or the**
25 **Sheriff's designee shall notify the court in writing of the violation.**

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

28 (i) removal from the program; and

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

3 11-710.

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

5 (b) While confined in the Charles County Detention Center, an inmate employed
6 under § 11-602 of this title shall pay[:

7 (1)] court-ordered payments for restitution[; and

8 (2) an amount not to exceed one-third of the inmate's net earnings for the
9 cost to Charles County of providing food, lodging, electronic monitoring devices, and
10 clothing for the inmate.

11 (c) The Charles County Sheriff shall:

12 (1) establish the per diem rate for an inmate's food, lodging, electronic
13 monitoring, and clothing; and

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

15 (d) The Sheriff's designee shall deliver the amounts collected under subsection
16 (b)(2) of this section to the Charles County Treasurer].

17 11-711.

18 (b) This section applies only in Dorchester County.

19 (c) The County Commissioners may establish under the County Department of
20 Corrections programs for:

21 (1) community service;

22 (2) home detention;

23 (3) pretrial release; and

24 (4) work release.

25 (g) (1) The warden or warden's designee shall collect the earnings of an inmate
26 designated to participate in a work release program, less any payroll deduction required by
27 law.

28 (2) From the earnings of the inmate, the warden shall deduct and disburse
29 an amount that:

1 (i) [the warden determines to be a reasonable cost for providing
2 food, lodging, and clothing for the inmate;

3 (ii)] the County actually incurs for necessary food, travel, and other
4 expenses incidental to the inmate's participation in the program;

5 [(iii)] (II) a court imposes for a fine, cost, or restitution;

6 [(iv)] (III) the inmate is legally obligated to pay, or reasonably wants
7 to pay, for support of a dependent; and

8 [(v)] (IV) a court orders the inmate to repay to the State or the
9 County for the services of an attorney appointed by the court.

10 (3) The warden shall:

11 (i) credit to the inmate's account any remaining balance; and

12 (ii) dispose of the balance in the inmate's account as the individual
13 reasonably requests and as the warden approves.

14 11-712.

15 (a) This section applies only in Frederick County.

16 (c) (1) The Sheriff's Department may:

17 (i) establish and direct a work release program; and

18 (ii) adopt guidelines for the operation of the program.

19 (5) (i) The Sheriff or Sheriff's designee shall collect the earnings of an
20 inmate in the work release program, less payroll deductions required by law.

21 (ii) From the earnings of the inmate, the Sheriff shall deduct and
22 disburse:

23 1. [an amount determined to be the cost to the county for
24 food, lodging, and clothing for the inmate;

25 2.] the actual cost of necessary food and travel and other
26 expenses incidental to the inmate's participation in the program;

27 [3.] 2. any amount a court imposes for a fine, cost, or
28 restitution;

1 [4.] 3. any amount that the inmate is legally obligated or
2 reasonably desires to pay for support of a dependent; and

3 [5.] 4. if applicable, any amount that a court orders the
4 inmate to repay to the State or to the county for the services of an attorney appointed by
5 the court.

6 (iii) The Sheriff shall:

7 1. credit to the inmate's account the remaining balance; and

8 2. dispose of the balance in the inmate's account as the
9 inmate reasonably requests and as the Sheriff approves.

10 11-713.

11 (a) This section applies only in Garrett County.

12 (c) (5) (i) The Sheriff or the Sheriff's designee shall collect the earnings of
13 an inmate in the work release program, less payroll deductions required by law.

14 (ii) From the earnings of the inmate, the Sheriff shall deduct and
15 disburse:

16 1. [an amount determined to be the cost to the county for
17 food, lodging, and clothing for the inmate;

18 2.] the actual cost of necessary food and travel and other
19 expenses incidental to the inmate's participation in the program;

20 [3.] 2. any amount a court imposes for a fine, cost, or
21 restitution;

22 [4.] 3. any amount that the inmate is legally obligated or
23 reasonably desires to pay for support of a dependent; and

24 [5.] 4. if applicable, any amount that a court orders the
25 inmate to repay to the State or to the county for the services of an attorney appointed by
26 the court.

27 (iii) The Sheriff shall:

28 1. credit to the inmate's account the remaining balance; and

29 2. dispose of the balance in the inmate's account as the

1 inmate reasonably requests and as the Sheriff approves.

2 (d) (1) The Sheriff shall:

3 (i) establish and administer a home detention program; and

4 (ii) adopt regulations for the program.

5 [(6) The Sheriff may:

6 (i) collect a reasonable fee from each inmate participating in the
7 home detention program; or

8 (ii) waive or reduce the fee.]

9 [(7) (6) The Sheriff may determine the maximum number of inmates
10 that may participate in the home detention program.

11 [(8) (7) An inmate who knowingly violates a term or a condition of the
12 home detention program is subject to the penalties provided under § 11-726 of this subtitle
13 and other disciplinary action provided by law.

14 11-714.

15 (a) This section applies only in Harford County.

16 (b) (1) At the time of sentencing or at any time during an individual's
17 confinement, the sentencing judge may allow an individual who is convicted of a crime and
18 sentenced to imprisonment in a local correctional facility to participate in one of the
19 activities specified in paragraph (2) of this subsection during the individual's confinement.

20 (2) An inmate who is allowed to do so under paragraph (1) of this
21 subsection may:

22 (i) continue regular employment;

23 (ii) obtain new employment;

24 (iii) participate in a training or rehabilitation program; or

25 (iv) attend an educational institution in the county.

26 (3) (i) The sentencing judge may require that the inmate comply with
27 the terms and conditions that the judge considers appropriate.

28 (ii) The inmate's participation in an authorized activity may not
29 affect the length of the inmate's sentence.

1 (c) (1) The county government shall cooperate in and provide fiscal support for
2 a work release program as provided under subsection (b) of this section.

3 (2) Subject to subsection (b) of this section, an inmate of a local correctional
4 facility who participates in the work release program may leave actual confinement:

5 (i) at necessary and reasonable times, to work at gainful, private
6 employment; or

7 (ii) under appropriate conditions, to seek gainful, private
8 employment.

9 (3) Unless the committing court directs otherwise, an inmate shall be
10 confined in the local correctional facility when not participating in the work release
11 program.

12 (4) An inmate who participates in the work release program shall
13 surrender to the Sheriff:

14 (i) [a reasonable fee, as determined by the Sheriff, for the cost of
15 providing food, lodging, and clothing for the inmate;

16 (ii)] the actual cost of necessary food, travel, and other expenses
17 incidental to the participation by the inmate in the program; and

18 [(iii)] (II) court-ordered payments for restitution.

19 (5) If an inmate in the work release program violates a trust or a condition
20 that the court establishes for conduct or employment, the inmate is subject to:

21 (i) removal from the program; and

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

24 11-715.

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

26 (c) (1) The Department may establish programs for:

27 (i) work release;

28 (ii) community service; and

29 (iii) pretrial services.

1 (e) An inmate who is employed while in a program established under this section
2 shall[:

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

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

6 (ii) the estimated expenses incurred by the Department because of
7 the inmate's participation in the program; and

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

9 11-716.

10 (b) This section applies only in Kent County.

11 (c) The County Commissioners may establish under the Kent County Detention
12 Center programs for:

13 (1) community service;

14 (2) home detention;

15 (3) pretrial release; and

16 (4) work release.

17 (g) (1) The warden or warden's designee shall collect the earnings of an inmate
18 designated to participate in a work release program, less any payroll deduction required by
19 law.

20 (2) From the earnings of the inmate, the warden shall deduct and disburse
21 an amount:

22 (i) [the warden determines to be the cost to the county for providing
23 food, lodging, and clothing for the inmate;

24 (ii)] the county actually incurs for necessary food, travel, and other
25 expenses incidental to participation by the inmate in the program;

26 [(iii)] (II) a court imposes for a fine, cost, or restitution;

27 [(iv)] (III) the inmate is legally obligated to pay, or reasonably wants
28 to pay, for support of a dependent; and

1 ~~[(v)] (IV)~~ a court orders the inmate to repay to the State or to the
2 county for the services of an attorney appointed by the court.

3 (3) The warden shall:

4 (i) credit to the inmate's account any remaining balance; and

5 (ii) dispose of the balance in the inmate's account as the inmate
6 reasonably requests and as the warden approves.

7 (i) ~~[(1)]~~ Inmates of the Kent County Detention Center who are employed under
8 § 11-602 of this title shall pay[:

9 (i)] court-ordered payments for restitution[; and

10 (ii) the reasonable cost of the food, lodging, and clothing of the
11 inmate].

12 ~~[(2)~~ The County Commissioners shall:

13 (i) establish a reasonable per diem rate for the food, lodging, and
14 clothing of an inmate; and

15 (ii) designate the warden as the agent to collect these costs.]

16 ~~[(j)~~ (1) Subject to paragraph (2) of this subsection, the county may collect from
17 an inmate who is sentenced to the Kent County Detention Center for nonconsecutive
18 periods of 48 hours or less an amount determined to be the average cost to the county of
19 providing food, lodging, and clothing for the inmate.

20 (2) A court may waive any or all of the charge specified in paragraph (1) of
21 this subsection.]

22 ~~[(k)] (J)~~ (1) The warden or warden's designee may authorize compassionate
23 leave under this subsection for any inmate committed to the Kent County Detention Center:

24 (i) to visit a seriously ill member of the immediate family of the
25 inmate; or

26 (ii) to attend a viewing or funeral of a member of the immediate
27 family of the inmate.

28 (2) An inmate who is granted compassionate leave may be required to
29 reimburse the Kent County Detention Center for any expenses that the detention center
30 incurs in granting the leave.

1 (3) The warden shall adopt regulations necessary to carry out this
2 subsection.

3 11-717.

4 (b) This section applies only in Montgomery County.

5 (c) (1) The County Council shall establish work release and prerelease
6 programs in accordance with this section.

7 (2) A work release or prerelease program shall provide that an inmate of
8 the County Department of Correction and Rehabilitation, on approval of the Director, may
9 leave confinement during necessary and reasonable hours to seek or work at gainful
10 employment and to participate in other rehabilitative activities, including:

11 (i) intensive counseling;

12 (ii) academic education;

13 (iii) home visitation;

14 (iv) transitional phased release programs; and

15 (v) maximum use of other community resources or other similar
16 rehabilitative activities.

17 (e) (1) The Director or the Director's designee shall collect the earnings of an
18 inmate participating in a work release or prerelease program under this section, less any
19 payroll deduction required by law.

20 (2) From the earnings of the inmate, the Director may deduct:

21 (i) [the amount determined to be the cost to the county of providing
22 food, lodging, and clothing for the inmate;

23 (ii)] actual and necessary food, travel, and other expenses incidental
24 to the inmate's participation in the program;

25 [(iii)] (II) an amount the inmate is legally obligated or desires to pay
26 for the support of a dependent;

27 [(iv)] (III) if applicable, a reasonable amount to repay the State or
28 the county for an attorney appointed by the court; and

29 [(v)] (IV) court-ordered payments for restitution.

1 (3) The Director shall:

2 (i) credit to the inmate's account any remaining balance; and

3 (ii) dispose of the balance in the inmate's account as the inmate
4 requests and the Director approves.

5 11-718.

6 (b) This section applies only in Prince George's County.

7 (d) (1) The administrator shall adopt guidelines and rules for the conduct of
8 the work release program that shall:

9 (i) take into consideration the security of the detention center and
10 the safety of the public; and

11 (ii) conform with conditions that a sentencing or administrative
12 judge may impose in a particular case.

13 (2) When an inmate is not employed or otherwise participating in a work
14 release program, the inmate shall be confined in the detention center in the same manner
15 as any other inmate committed to the custody of the administrator.

16 (3) If an inmate violates a trust or a condition that the administrator
17 establishes in the rules for conduct or employment, the inmate is:

18 (i) subject to removal from the work release program; and

19 (ii) after an administrative hearing, subject to cancellation of any
20 earned diminution of the inmate's term of confinement.

21 (e) (1) The authorized representative of a detention center shall collect the
22 earnings of an inmate, less any payroll deductions.

23 (2) From the earnings of the inmate, the authorized representative of the
24 detention center shall deduct:

25 (i) [the amount determined to be the cost to the county for food,
26 lodging, and clothing for the inmate;

27 (ii)] actual and necessary food, travel, and other expenses incidental
28 to the inmate's participation in the program;

29 [(iii)] (II) an amount the inmate is legally obligated or desires to pay
30 for the support of a dependent; and

1 [(iv)] (III) court-ordered payments for restitution.

2 (3) The authorized representative of the detention center shall credit to the
3 inmate's account any remaining balance.

4 11-719.

5 (a) This section applies only in Queen Anne's County.

6 (b) While confined in the Queen Anne's County Jail, an inmate employed under §
7 11-602 of this title shall pay[:

8 (1)] court-ordered payments, including restitution payments[; and

9 (2) the reasonable cost of the food, lodging, and clothing of the inmate].

10 [(c) The County Commissioners shall:

11 (1) establish a reasonable per diem rate for the food, lodging, and clothing
12 of an inmate; and

13 (2) designate the Warden of the Queen Anne's County Jail as the agent to
14 collect the costs and payments specified in this section.]

15 11-720.

16 (a) This section applies only in St. Mary's County.

17 (b) (1) The Sheriff may establish:

18 (i) a home detention program;

19 (ii) a work release program;

20 (iii) a pretrial release program; and

21 (iv) a prerelease program.

22 (d) (1) The Sheriff or the Sheriff's designee shall collect the earnings of an
23 inmate participating in a program established under this section, less any payroll deduction
24 required by law.

25 (2) From the earnings of the inmate, the Sheriff may deduct:

26 (i) [the amount determined to be the cost to the county of providing
27 food, lodging, clothing, and transportation for the inmate;

1 (ii) actual and necessary food, travel, and other expenses incidental
2 to the inmate's participation in the program;

3 [(iii) (II) an amount the inmate is legally obligated or desires to pay
4 for the support of a dependent;

5 [(iv) (III) if applicable, a reasonable amount to repay the State or
6 the county for an attorney appointed by the court; and

7 [(v) (IV) court-ordered payments for restitution.

8 11-722.

9 (a) This section applies only in Talbot County.

10 (b) While confined in the Talbot County Jail, an inmate employed under § 11-602
11 of this title shall pay[:

12 (1) court-ordered payments for restitution[; and

13 (2) the cost of the food, lodging, and clothing of the inmate].

14 [(c) The County Council shall:

15 (1) establish the per diem rate for the food, lodging, and clothing of an
16 inmate; and

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

18 11-723.

19 (a) This section applies only in Washington County.

20 (b) (1) The Sheriff shall:

21 (i) establish and administer:

22 1. a home detention program;

23 2. a work release program; and

24 3. a pretrial release program; and

25 (ii) adopt regulations necessary to implement each program
26 established under this section.

1 (5) **(I)** [While] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
 2 **THIS PARAGRAPH, WHILE** participating in [any] A program established under this section
 3 an inmate is responsible for:

4 **[(i)] 1.** The inmate's medical care and related expenses; and

5 **[(ii)] 2.** costs of lodging, food, clothing, transportation, restitution,
 6 child support, and taxes.

7 **(II) IF PARTICIPATING IN A WORK RELEASE PROGRAM UNDER**
 8 **THIS SECTION, AN INMATE IS ONLY RESPONSIBLE FOR:**

9 **1. COSTS FOR TRANSPORTATION;**

10 **2. COURT ORDERED RESTITUTION;**

11 **3. CHILD SUPPORT; AND**

12 **4. TAXES.**

13 **[(6)]** The Sheriff may:

14 (i) collect a reasonable fee from each inmate participating in any
 15 program established under this section; or

16 (ii) waive or reduce the fee.]

17 **[(7)] (6)** The Sheriff may determine the maximum number of inmates
 18 that may participate in any program established under this section.

19 **[(8)] (7)** An inmate who knowingly violates a term or a condition of any
 20 program established under this section is subject to the penalties provided under § 11-726
 21 of this subtitle and to other disciplinary action provided by law.

22 11-724.

23 (b) This section applies only in Wicomico County.

24 (c) The County Council may establish under the County Department of
 25 Corrections programs for:

26 (1) community service;

27 (2) home detention;

1 (3) pretrial release; and

2 (4) work release.

3 (g) (1) The Director or Director's designee, shall collect the earnings of an
4 inmate designated to participate in a work release program, less any payroll deduction
5 required by law.

6 (2) From the earnings of the inmate, the Director shall deduct and disburse
7 an amount:

8 (i) [the Director determines to be a reasonable cost for providing
9 food, lodging, and clothing for the inmate;

10 (ii)] the County actually incurs for necessary food, travel, and other
11 expenses incidental to the inmate's participation in the program;

12 [(iii)] (II) a court imposes for a fine, cost, or restitution;

13 [(iv)] (III) the inmate is legally obligated to pay, or reasonably
14 desires to pay, for support of a dependent; and

15 [(v)] (IV) a court orders the inmate to repay to the State or to the
16 County for the services of an attorney appointed by a court.

17 11-725.

18 (a) This section applies only in Worcester County.

19 (b) While confined in the Worcester County Jail, an inmate employed under §
20 11-602 of this title shall pay[:

21 (1)] court-ordered payments for restitution[; and

22 (2) the cost of the food, lodging, and clothing of the inmate].

23 [(c) The County Commissioners shall:

24 (1) establish the per diem rate for the food, lodging, and clothing of an
25 inmate; and

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

27 **Article – Courts and Judicial Proceedings**

1 7-503.

2 (a) When a court imposes a fine, the court may order the defendant to pay the
3 fine:

4 (1) When the court imposes sentence; or

5 (2) In specified installments at designated intervals.

6 (b) (1) If a fine is payable in installments, the court may order that the
7 payments be made to a probation agency or officer.

8 (2) The probation agency or officer shall report to the court a failure to
9 comply with the order.

10 (c) If a court sentences a defendant to probation, the court may make payment of
11 a fine a condition of the sentence.

12 **(D) A COURT MAY NOT IMPOSE A FINE OR FEE ON A DEFENDANT FOR:**

13 **(1) JURY COSTS ASSOCIATED WITH A CIRCUIT COURT CASE;**

14 **(2) COURT ADMINISTRATIVE COSTS ASSOCIATED WITH A CRIMINAL**
15 **CASE; OR**

16 **(3) COURT ADMINISTRATIVE COSTS ASSOCIATED WITH RESTITUTION**
17 **IN A CRIMINAL CASE.**

18 **Article – Criminal Procedure**

19 5-201.

20 (a) (1) The court or a District Court commissioner shall consider including, as
21 a condition of pretrial release for a defendant, reasonable protections for the safety of the
22 alleged victim.

23 (2) If a victim has requested reasonable protections for safety, the court or
24 a District Court commissioner shall consider including, as a condition of pretrial release,
25 provisions regarding no contact with the alleged victim or the alleged victim's premises or
26 place of employment.

27 (b) (1) In accordance with eligibility criteria, conditions, and procedures
28 required under the Maryland Rules, the court may require, as a condition of a defendant's
29 pretrial release, that the defendant be monitored by a private home detention monitoring
30 agency licensed under Title 20 of the Business Occupations and Professions Article.

1 (2) [A] EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS
2 SUBSECTION, A defendant placed in private home detention under paragraph (1) of this
3 subsection shall pay directly to the private home detention monitoring agency the agency's
4 monitoring fee.

5 (3) A DEFENDANT MAY NOT BE REQUIRED TO PAY A FEE FOR HOME
6 DETENTION MONITORING OR FOR A HOME DETENTION MONITORING DEVICE IF:

7 (I) THE DEFENDANT QUALIFIES AS AN INDIGENT INDIVIDUAL
8 AS DEFINED IN § 16-101 OF THIS ARTICLE; OR

9 (II) A PRIVATE HOME DETENTION MONITORING DEVICE OR
10 GLOBAL POSITIONING SYSTEM DEVICE IS PROVIDED BY THE STATE OR A LOCAL
11 JURISDICTION.

12 6-226.

13 (a) In this section, "supervisee" means a person that the court places under the
14 supervision of the Division of Parole and Probation.

15 (b) [Unless the supervisee is exempt under subsection (d) of this section, the]
16 THE court [shall] MAY NOT impose [a] ANY monthly fee [of \$50] on a supervisee.

17 [(c) (1) The fee imposed under this section shall be paid to the Division of
18 Parole and Probation.

19 (2) The Division of Parole and Probation shall pay the money collected
20 under this section into the General Fund of the State.

21 (d) The court may exempt a supervisee as a whole or in part from the fee imposed
22 under this section if:

23 (1) the supervisee has diligently tried but has been unable to obtain
24 employment that provides sufficient income for the supervisee to pay the fee;

25 (2) (i) the supervisee is a student in a school, college, or university or is
26 enrolled in a course of vocational or technical training designed to prepare the student for
27 gainful employment; and

28 (ii) certification of student status is supplied to the court by the
29 institution in which the supervisee is enrolled;

30 (3) the supervisee has a handicap limiting employment, as determined by
31 a physical or psychological examination accepted or ordered by the court;

32 (4) the supervisee is responsible for the support of dependents and the

1 payment of the fee is an undue hardship on the supervisee; or

2 (5) other extenuating circumstances exist.

3 (e) The fee imposed by this section is in addition to court costs and fines.

4 (f) (1) The court may revoke probation for failure to make the required
5 payment of the fee imposed under this section.

6 (2) If the supervisee does not comply with the fee requirement, the Division
7 of Parole and Probation shall notify the court.

8 (3) The court shall hold a hearing to determine if there are sufficient
9 grounds to find the supervisee in violation.

10 (4) At a hearing under this subsection, the court may consider:

11 (i) any material change in the supervisee's financial status;

12 (ii) good faith efforts of the supervisee to pay the fee; and

13 (iii) alternative means to ensure payment of the fee before the period
14 of supervision ends.

15 (g) (1) In addition to fees imposed under this section, the Division of Parole
16 and Probation may require a supervisee to pay:

17 (i) for drug or alcohol abuse testing if the court orders testing; and

18 (ii) any monthly program fee provided under § 6-115 of the
19 Correctional Services Article.

20 (2) Failure to make a payment required for drug or alcohol abuse testing
21 may be considered grounds for revocation of probation by the court.

22 (3) The Division of Parole and Probation may exempt a supervisee as a
23 whole or in part from a payment for testing if the Division determines that any of the
24 criteria in subsection (d) of this section apply.

25 (h) The Division of Parole and Probation shall:

26 (1) adopt guidelines for collecting the supervision fee;

27 (2) adopt guidelines for collecting the cost of drug and alcohol testing;

28 (3) investigate requests for an exemption from payment, if the court
29 requests an investigation;

1 (4) keep records of all payments by each supervisee; and

2 (5) report delinquencies to the court.]

3 **10-101.1.**

4 **THE COURT MAY NOT CHARGE A FILING FEE FOR A PETITION FOR**
5 **EXPUNGEMENT UNDER § 10-110 OF THIS SUBTITLE.**

6 11-606.

7 (a) The court may order that restitution be paid to:

8 (2) the Maryland Department of Health[,] AND the Criminal Injuries
9 Compensation Board[, or any other governmental unit];

10 11-607.

11 (b) (1) The restitution obligor shall make restitution to the Department or the
12 Department of Juvenile Services under the terms and conditions of the judgment of
13 restitution.

14 (2) The Department or the Department of Juvenile Services:

15 (i) shall keep records of payments or return of property in
16 satisfaction of the judgment of restitution; AND

17 (ii) shall forward property or payments in accordance with the
18 judgment of restitution and Part I of this subtitle to the person or governmental unit
19 specified in the judgment of restitution[]; and

20 (iii) may require the restitution obligor to pay additional fees not
21 exceeding 2% of the amount of the judgment of restitution to pay for the administrative
22 costs of collecting payments or property].

23 16-211.

24 (a) (1) If it appears that an indigent individual has or reasonably expects to
25 have means to meet some of the expenses for services rendered, the indigent individual
26 shall reimburse the Office:

27 (i) by a single payment or in installments; and

28 (ii) in the amount that the indigent individual can reasonably be
29 expected to pay.

1 of the court in making child support payments if:

2 (i) the Administration has accepted an assignment of support under
3 § 5–312(b)(2) of the Human Services Article; or

4 (ii) the recipient of support payments has filed an application for
5 support enforcement services with the Administration.

6 (2) Upon notification by the Administration under this subsection, the
7 Motor Vehicle Administration[:]

8 (i) shall suspend the obligor’s license or privilege to drive in the
9 State; and

10 (ii)] may issue a work–restricted license or work–restricted privilege
11 to drive in the State in accordance with § 16–203 of the Transportation Article.

12 **Article – State Finance and Procurement**

13 3–302.

14 (a) (1) Except as otherwise provided in subsection (b) of this section,
15 paragraph (2)(ii) of this subsection, or in other law, the Central Collection Unit is
16 responsible for the collection of each delinquent account or other debt that is owed to the
17 State or any of its officials or units.

18 (2) (i) Except as provided in subparagraph (ii) of this paragraph, an
19 official or unit of the State government shall refer to the Central Collection Unit each debt
20 for which the Central Collection Unit has collection responsibility under this subsection
21 and may not settle the debt.

22 (ii) A public institution of higher education may not refer a
23 delinquent student account or debt to the Central Collection Unit unless, in accordance
24 with § 15–119 of the Education Article:

25 1. the delinquent account or debt has not been settled by the
26 end of the late registration period of the semester after the student account became
27 delinquent; or

28 2. the student has not entered into or made timely payments
29 to satisfy an installment payment plan.

30 (3) For the purposes of this subtitle, a community college or board of
31 trustees for a community college established or operating under Title 16 of the Education
32 Article is a unit of the State.

33 (b) Unless, with the approval of the Secretary, a unit of the State government

1 assigns the claim to the Central Collection Unit, the Central Collection Unit is not
2 responsible for and may not collect:

3 (1) any taxes;

4 (2) any child support payment that is owed under § 5–308 of the Human
5 Services Article;

6 (3) any unemployment insurance contribution or overpayment;

7 (4) any fine;

8 (5) any court costs;

9 (6) any forfeiture on bond;

10 (7) any money that is owed as a result of a default on a loan that the
11 Department of Commerce or the Department of Housing and Community Development has
12 made or insured;

13 (8) any money that is owed under Title 9, Subtitles 2, 3, and 4 and Title 20
14 of the Insurance Article;

15 (9) any money that is owed for unpaid video tolls and associated civil
16 penalties under § 21–1414 of the Transportation Article under a delinquent account
17 associated with a person residing outside the State;

18 **(10) ANY MONEY THAT IS OWED AS A LATE FEE FOR A PENALTY OF**
19 **NONPAYMENT OF A FINE, FEE, OR RESTITUTION RELATED TO A CRIMINAL CASE; OR**

20 **(11) ANY MONEY THAT IS OWED AS AN INTEREST CHARGE FOR**
21 **PENALTY OF NONPAYMENT OF A FINE, FEE, OR RESTITUTION RELATED TO A**
22 **CRIMINAL CASE.**

23 (c) The Central Collection Unit shall be responsible for the collection of each
24 delinquent account or other debt that is owed to a community college established or
25 operating under Title 16 of the Education Article if the board of trustees for the community
26 college:

27 (1) adopts a resolution appointing the Central Collection Unit as the
28 collector of delinquent accounts or other debt; and

29 (2) submits the resolution to the Central Collection Unit.

30 **Article – Transportation**

1 16–203.

2 (a) In this section, “Child Support Administration” means the Child Support
3 Administration of the Department of Human Services.

4 (b) On notification by the Child Support Administration in accordance with §
5 10–119 of the Family Law Article that an obligor is 60 days or more out of compliance with
6 the most recent order of the court in making child support payments, the Administration[:

7 (1) Shall suspend an obligor’s license or privilege to drive in the State; and

8 (2) May] **MAY** issue a work–restricted license or work–restricted privilege
9 to drive.

10 (c) (1) Prior to [the suspension of a license or the privilege to drive in the State
11 and] the issuance of a work–restricted license or work–restricted privilege to drive under
12 subsection (b) of this section, the Administration shall send written notice of the proposed
13 action to the obligor, including notice of the obligor’s right to contest the accuracy of the
14 information.

15 (2) Any contest under this subsection shall be limited to whether the
16 Administration has mistaken the identity of the obligor or the individual whose license or
17 privilege to drive has been [suspended] **WORK RESTRICTED**.

18 (d) (1) An obligor may appeal a decision of the Administration to [suspend]
19 **WORK RESTRICT** the obligor’s [license or] privilege to drive.

20 (2) At a hearing under this subsection, the issue shall be limited to whether
21 the Administration has mistaken the identity of the obligor or the individual whose license
22 or privilege to drive has been [suspended] **WORK RESTRICTED**.

23 (e) The Administration shall reinstate an obligor’s license or privilege to drive in
24 the State if:

25 (1) The Administration receives a court order to reinstate the license or
26 privilege to drive; or

27 (2) The Child Support Administration notifies the Administration that:

28 (i) The individual whose license or privilege to drive was
29 [suspended] **WORK RESTRICTED** is not in arrears in making child support payments;

30 (ii) The obligor has paid the support arrearage in full;

31 (iii) The obligor has demonstrated good faith by paying the ordered
32 amount of support for 6 consecutive months;

1 (iv) The obligor is a participant in full compliance in an employment
2 program approved by the Child Support Administration; or

3 (v) One of the grounds under § 10–119(c)(1)(i) of the Family Law
4 Article exists.

5 (f) The Secretary of Transportation, in cooperation with the Secretary of Human
6 Services and the Office of Administrative Hearings, shall adopt regulations to implement
7 this section.

8 16–303.

9 (a) A person may not drive a motor vehicle on any highway or on any property
10 specified in § 21–101.1 of this article while the person’s license or privilege to drive is
11 refused in this State or any other state.

12 (b) A person may not drive a motor vehicle on any highway or on any property
13 specified in § 21–101.1 of this article while the person’s license or privilege to drive is
14 canceled in this State.

15 (c) A person may not drive a motor vehicle on any highway or on any property
16 specified in § 21–101.1 of this article while the person’s license or privilege to drive is
17 suspended in this State.

18 (d) A person may not drive a motor vehicle on any highway or on any property
19 specified in § 21–101.1 of this article while the person’s license or privilege to drive is
20 revoked in this State.

21 (e) A person may not drive a motor vehicle on any highway or on any property
22 specified in § 21–101.1 of this article while the person’s license issued by any other state is
23 canceled.

24 (f) A person may not drive a motor vehicle on any highway or on any property
25 specified in § 21–101.1 of this article while the person’s license issued by any other state is
26 suspended.

27 (g) A person may not drive a motor vehicle on any highway or on any property
28 specified in § 21–101.1 of this article while the person’s license issued by any other state is
29 revoked.

30 (h) A person may not drive a motor vehicle on any highway or on any property
31 specified in § 21–101.1 of this article while the person’s license or privilege to drive is
32 suspended under § 16–203, § 16–206(a)(2) for failure to attend a driver improvement
33 program, § 17–106, § 26–204, § 26–206, or § 27–103 of this article.

34 (i) (1) This subsection applies only to a person whose license or privilege to

1 drive is suspended under the traffic laws or regulations of another state for:

2 (i) Failure to comply with a notice to appear in a court of that state
3 contained in a traffic citation issued to the person; or

4 (ii) Failure to pay a fine for a violation of any traffic laws or
5 regulations of that state.

6 (2) A person may not drive a motor vehicle on any highway or on any
7 property specified in § 21–101.1 of this article while the person’s license or privilege to drive
8 is suspended under the traffic laws or regulations of any other state as described in
9 paragraph (1) of this subsection.

10 (j) (1) Except as provided in paragraph (2) of this subsection, any individual
11 who violates a provision of this section shall be assessed the points as provided for in §
12 16–402(a)(35) of this title.

13 (2) Any individual who violates a provision of subsection (h) or (i) of this
14 section shall be assessed the points as provided for in § 16–402(a)(14) of this title.

15 (k) [(1) Except as provided in paragraph (2) of this subsection, a] **A** person
16 convicted of a violation of this section is subject to[:

17 (i) For a first offense, imprisonment not exceeding 1 year or] a fine
18 not exceeding [\$1,000 or both; and

19 (ii) For a second or subsequent offense, imprisonment not exceeding
20 2 years or a fine not exceeding \$1,000 or both.

21 (2) A person convicted of a violation of subsection (h) or (i) of this section:

22 (i) Is subject to a fine not exceeding \$500;

23 (ii) Must appear in court; and

24 (iii) May not prepay the fine] **\$50**.

25 16–404.1.

26 (k) [(1)] An individual required to use an ignition interlock system under a court
27 order or this section[:

28 (i) Shall] **SHALL** be monitored by the Administration[; and

29 (ii) Except as provided in paragraph (2) of this subsection, shall pay
30 the fee required by the Administration under subsection (f)(3) of this section.

1 (2) The Administration shall waive the fee required under this subsection
2 for an individual who is indigent].

3 17–107.

4 (a) A person who knows or has reason to know that a motor vehicle is not covered
5 by the required security may not:

6 (1) Drive the vehicle; or

7 (2) If the person is an owner of the vehicle, knowingly permit another
8 person to drive it.

9 (b) (1) In any prosecution under subsection (a) of this section for a vehicle that
10 is registered in the State, the introduction of the official records of the Motor Vehicle
11 Administration showing the absence of a record that the vehicle is covered by the security
12 required under § 17–104 of this subtitle shall be prima facie evidence that a person knows
13 or has reason to know that a motor vehicle is not covered by the required security.

14 (2) The introduction of evidence of the records of the Administration may
15 not limit the introduction of other evidence bearing upon whether the vehicle was covered
16 by the required security.

17 (c) An owner or lessee of any motor vehicle registered under Title 13 of this article
18 may not raise the defense of sovereign or governmental immunity as described under §
19 5–524 of the Courts and Judicial Proceedings Article.

20 (d) A person convicted of a violation of this section is subject to[:

21 (1) For a first offense, imprisonment not exceeding 1 year or] a fine not
22 exceeding [\$1,000 or both; and

23 (2) For a second or subsequent offense, imprisonment not exceeding 2 years
24 or a fine not exceeding \$1,000 or both] **\$50**.

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