

Chapter 374

(House Bill 1072)

AN ACT concerning

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

FOR the purpose of authorizing the Charles County Board of County Commissioners to establish and provide for the administration of a certain community service program in Charles County; ~~authorizing the Board to enact certain local laws and ordinances;~~ providing that a court may order a person to participate in the community service program under certain circumstances; providing for a certain fee to be charged; providing for the waiver by a court of a certain fee; requiring staff for the community service program to report certain information to a court; authorizing the Board to establish and provide for the administration of a pretrial release program in Charles County; providing for a court to order a person to participate in the pretrial release program under certain circumstances; ~~establishing certain requirements for the program;~~ requiring staff for the pretrial release program to take certain actions with respect to the program; authorizing the Board and the Charles County Sheriff to enter into a certain agreement; ~~requiring the Sheriff to notify staff for the pretrial release program of~~ staff of the pretrial release program to immediately report to the court certain information; providing that a certain person who violates a certain condition is subject to removal from the pretrial release program; and generally relating to the establishment of community service and pretrial release programs in Charles County.

BY repealing and reenacting, with amendments,
 Article – Correctional Services
 Section 11–710
 Annotated Code of Maryland
 (2017 Replacement Volume and 2020 Supplement)

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

Article – Correctional Services

11–710.

- (a) This section applies only in Charles County.
- (b) While confined in the Charles County Detention Center, an inmate employed under § 11–602 of this title shall pay:
 - (1) court–ordered payments for restitution; and

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

(c) The Charles County Sheriff shall:

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

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

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

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

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

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

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

(II) IS RECOMMENDED TO THE COURT FOR PLACEMENT IN THE PROGRAM BY THE PROGRAM STAFF.

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

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

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

(F) (1) SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION, THE

BOARD OF COUNTY COMMISSIONERS MAY ESTABLISH AND PROVIDE FOR THE ADMINISTRATION OF A PRETRIAL RELEASE PROGRAM IN THE COUNTY.

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

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

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

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

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

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

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

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

~~(III) IS NOT BEING DETAINED FOR:~~

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

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

(5) STAFF OF THE PRETRIAL RELEASE PROGRAM SHALL:

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

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

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

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

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

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

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

(I) DRUG AND ALCOHOL TESTING;

(II) ELECTRONIC MONITORING; ~~AND~~

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

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

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

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

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

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.