

**Department of Legislative Services**  
Maryland General Assembly  
2023 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 853

(Senator McCray)

Judicial Proceedings

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**Criminal Law - Private Home Detention Monitoring - Notification**

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This bill alters existing notification requirements for private home detention monitoring agencies (PHDMAs). The bill requires a PHDMA to *immediately* notify the court that ordered private home detention monitoring as a condition of a defendant's pretrial release once the PHDMA has determined that the defendant has been missing for 24 hours. If the court that ordered the monitoring is not open for business when the notification is required, the PHDMA must notify the duty judge of the county where the court is located. A PHDMA must *immediately* notify the Division of Parole and Probation (DPP) upon determining that a defendant who is subject to private home detention monitoring as a condition of probation has been missing for 24 hours. Under current law, these notifications must be made on *the next business day*.

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**Fiscal Summary**

**State Effect:** The Judiciary and the Department of Public Safety and Correctional Services (DPSCS) can implement the bill with existing budgeted resources. Revenues are not affected.

**Local Effect:** The bill is not expected to materially affect local finances or operations.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** Generally, under § 5-201 of the Criminal Procedure Article, in accordance with eligibility criteria, conditions, and procedures required under the Maryland Rules, the court may require, as a condition of a defendant's pretrial release, that the defendant be

monitored by a PHDMA licensed under Title 20 of the Business Occupations and Professions Article. PHDMAs are licensed by DPSCS.

Upon determining that a defendant subject to private home detention monitoring under the provisions of § 5-201(b) has been missing for 24 hours, the PHDMA responsible for monitoring the defendant must, *on the next business day*, notify the court that ordered private home detention monitoring as a condition of the defendant's pretrial release. If the court that ordered private detention monitoring as a condition of a defendant's pretrial release requests that it be notified if the defendant violates any other conditions of pretrial release, the PHDMA responsible for monitoring the defendant must provide the court with the requested notice.

Upon determining that an individual who is subject to private home detention monitoring as a condition of probation has been missing for 24 hours, the PHDMA responsible for monitoring the individual must, *on the next business day*, notify DPP.

The Code of Maryland Regulations (COMAR 12.11.10.09) requires PHDMAs to have policies and procedures for the immediate notification to the local law enforcement agency, and next working day notification to the court that ordered home detention, the State's Attorney, and the supervising probation agent, if applicable, when a monitored individual is determined to have escaped.

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### **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 859 (Delegate Smith) - Judiciary.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2023  
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Analysis by: Amy A. Devadas

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510