

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 799
Judiciary

(Delegate R. Long, *et al.*)

Correctional Services - Home Detention - Removal

This bill requires the Commissioner of Correction or the Commissioner's designee to remove an incarcerated individual from the home detention program for violating a condition of the incarcerated individual's placement in the program.

Fiscal Summary

State Effect: While the bill limits the Commissioner of Correction's discretion to implement graduated sanctions as corrective measures for minor violations by home detention program participants, State finances are not materially affected.

Local Effect: Local government finances are not affected.

Small Business Effect: None.

Analysis

Current Law: The Commissioner of Correction, with the approval of the Secretary of Public Safety and Correctional Services, is authorized to establish a home detention program under which an offender may live in an approved private dwelling. Offenders in the program must be supervised by electronic devices and direct contact by employees of the Division of Correction (DOC). An incarcerated individual may be placed in the program if (1) the incarcerated individual agrees to waive the individual's right to contest extradition; (2) the Commissioner of Correction or the Commissioner's designee approves the placement; and (3) the incarcerated individual has served any statutorily imposed minimum sentence, less the allowances for diminution of the incarcerated individual's term of confinement, as specified.

An incarcerated individual is not eligible for the home detention program if the incarcerated individual (1) is serving a life sentence; (2) has been found guilty of a crime of violence (as defined in § 14-101 of the Criminal Law Article) unless five years have elapsed since expiration of the sentence for the crime of violence or the incarcerated individual is within 90 days of release on parole or mandatory supervision; or (3) has been found guilty of the crime of child abuse (under § 3-601 or § 3-602 of the Criminal Law Article) or escape (under § 9-404 of the Criminal Law Article). The Commissioner or the Commissioner's designee may remove an incarcerated individual from the program at any time and for any reason.

While in the program, an offender must remain in the approved dwelling except to go (1) with the program administrator's approval, to the offender's approved place of employment, to a medical or mental health treatment, or to offices of the Department of Public Safety and Correctional Services; (2) as required by legitimate medical or other emergencies; or (3) as otherwise allowed and directed by the program administrator. While participating in the program, an offender is responsible for the offender's living expenses, including those for food, clothing, medical care, shelter, and utilities.

To satisfy court-ordered restitution that an incarcerated individual in the program owes, DOC must determine the amount of reasonable payments and collect and disburse the payments. DOC must establish a reasonable fee for the cost of electronic supervision and collect the fee from each incarcerated individual in the program. However, if DOC determines that an incarcerated individual cannot afford to pay the established fee, DOC may exempt the incarcerated individual wholly or partly from the fee.

An incarcerated individual who willfully violates the conditions of the incarcerated individual's placement in the program is guilty of a misdemeanor and on conviction is subject to imprisonment for up to one year. The sentence may be to the jurisdiction of DOC.

Commission of any crime by an incarcerated individual constitutes a violation of the conditions of the incarcerated individual's placement in the program. An incarcerated individual who knowingly violates requirements relating to restrictions on movement is guilty of escape and on conviction subject to maximum penalties of 10 years imprisonment and/or or a \$20,000 fine.

An incarcerated individual's participation in the program does not affect the incarcerated individual's eligibility for parole, diminution credits, or other privileges available by law to incarcerated individuals in the custody of the Commissioner of Correction.

Additional Information

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

Designated Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services;
Department of Legislative Services

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rh/lgc

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