

Chapter 893

(Senate Bill 468)

AN ACT concerning

Criminal Law – Private Home Detention Monitoring – Notification

FOR the purpose of requiring a private home detention monitoring agency to ~~immediately~~ notify the court within a certain amount of time after a defendant subject to private home detention monitoring as a condition of pretrial release has ~~been missing for a certain amount of time~~ violated a condition of home detention monitoring; requiring a private home detention monitoring agency to notify ~~immediately~~ the Division of Parole and Probation within a certain amount of time after an individual subject to home monitoring as a condition of probation ~~has been missing for a certain amount of time~~ violated a condition of home detention monitoring; authorizing the Secretary of Public Safety and Correctional Services to impose certain civil penalties for failure to give notice as required by this Act; clarifying that a person is released, rather than committed, to private home detention monitoring for certain purposes; ~~establishing the Workgroup on Home Detention Monitoring~~; and generally relating to private home detention monitoring.

BY repealing and reenacting, with amendments,
 Article – Business Occupations and Professions
 Section 20–401
 Annotated Code of Maryland
 (2018 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
 Article – Criminal Law
 Section 9–405(b)
 Annotated Code of Maryland
 (2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
 Article – Criminal Law
 Section 9–405(c)
 Annotated Code of Maryland
 (2021 Replacement Volume and 2023 Supplement)

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

Article – Business Occupations and Professions

20–401.

(a) A private home detention monitoring agency shall:

- (1) monitor individuals in accordance with any applicable orders of court;
- (2) monitor 24 hours a day and 7 days a week individuals who are under a court order that requires monitoring by a private home detention monitoring agency; and
- (3) utilize electronic equipment or other monitoring methods that meet or exceed standards established in regulations by the Secretary.

(b) (1) ~~(1)~~ ~~Upon~~ **EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON** determining that a defendant subject to private home detention monitoring under the provisions of § 5–201(b) of the Criminal Procedure Article has ~~been missing for 24 hours~~ **VIOLATED A CONDITION OF HOME DETENTION MONITORING**, the private home detention monitoring agency responsible for monitoring the defendant shall[, on the next business day,] notify ~~IMMEDIATELY~~ **WITHIN 24 HOURS**:

(I) the court that ordered private home detention monitoring as a condition of the defendant's pretrial release;

~~**(II)** IF THE COURT THAT ORDERED PRIVATE HOME DETENTION MONITORING IS NOT OPEN FOR BUSINESS WHEN NOTIFICATION IS REQUIRED, THE PRIVATE HOME DETENTION MONITORING AGENCY SHALL NOTIFY:~~

~~**1.**~~ **AND**

~~**(II)** THE DESIGNATED LAW ENFORCEMENT AGENCY, AS DETERMINED BY THE COURT, IN BALTIMORE CITY OR THE COUNTY WHERE THE COURT IS LOCATED; AND~~

~~**2.** THE COURT IMMEDIATELY ON THE COURT OPENING FOR BUSINESS.~~

~~(2) If the court that ordered private detention monitoring as a condition of a defendant's pretrial release under the provisions of § 5–201(b) of the Criminal Procedure Article requests that it be notified if the defendant violates any other conditions of pretrial release, the private home detention monitoring agency responsible for monitoring the defendant shall provide the court with the requested notice.~~

(2) ON DETERMINING THAT A DEFENDANT SUBJECT TO PRIVATE HOME DETENTION MONITORING UNDER THE PROVISIONS OF § 5–201(B) OF THE CRIMINAL PROCEDURE ARTICLE HAS TAMPERED WITH HOME DETENTION MONITORING EQUIPMENT OR FAILED TO MAINTAIN HOME DETENTION MONITORING EQUIPMENT AS REQUIRED BY A COURT ORDER, THE PRIVATE HOME DETENTION

MONITORING AGENCY RESPONSIBLE FOR MONITORING THE DEFENDANT SHALL NOTIFY WITHIN 1 HOUR:

(I) THE COURT THAT ORDERED PRIVATE HOME DETENTION MONITORING AS A CONDITION OF THE DEFENDANT'S PRETRIAL RELEASE; AND

(II) THE DESIGNATED LAW ENFORCEMENT AGENCY, AS DETERMINED BY THE COURT, IN BALTIMORE CITY OR THE COUNTY WHERE THE COURT IS LOCATED.

(3) ON DETERMINING THAT A DEFENDANT SUBJECT TO PRIVATE HOME DETENTION MONITORING UNDER THE PROVISIONS OF § 5-201(B) OF THE CRIMINAL PROCEDURE ARTICLE HAS ENTERED AN AREA THAT THE DEFENDANT IS EXPRESSLY PROHIBITED FROM ENTERING AS A CONDITION OF PRETRIAL RELEASE, THE PRIVATE HOME DETENTION MONITORING AGENCY RESPONSIBLE FOR MONITORING THE DEFENDANT SHALL NOTIFY IMMEDIATELY:

(I) THE COURT THAT ORDERED PRIVATE HOME DETENTION MONITORING AS A CONDITION OF THE DEFENDANT'S PRETRIAL RELEASE; AND

(II) THE DESIGNATED LAW ENFORCEMENT AGENCY, AS DETERMINED BY THE COURT, IN BALTIMORE CITY OR THE COUNTY WHERE THE COURT IS LOCATED.

(c) (1) ~~Upon~~ EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON determining that an individual who is subject to private home detention monitoring as a condition of probation has ~~been missing for 24 hours~~ VIOLATED A CONDITION OF HOME DETENTION MONITORING, the private home detention monitoring agency responsible for monitoring the individual shall ~~notify~~ notify ~~IMMEDIATELY WITHIN 24 HOURS~~ IMMEDIATELY WITHIN 24 HOURS the Division of Parole and Probation.

(2) ON DETERMINING THAT AN INDIVIDUAL WHO IS SUBJECT TO PRIVATE HOME DETENTION MONITORING AS A CONDITION OF PROBATION HAS TAMPERED WITH HOME DETENTION MONITORING EQUIPMENT, OR FAILED TO MAINTAIN HOME DETENTION MONITORING EQUIPMENT AS REQUIRED BY A COURT ORDER, THE PRIVATE HOME DETENTION MONITORING AGENCY RESPONSIBLE FOR MONITORING THE INDIVIDUAL SHALL NOTIFY WITHIN 1 HOUR THE DIVISION OF PAROLE AND PROBATION.

(3) ON DETERMINING THAT AN INDIVIDUAL WHO IS SUBJECT TO PRIVATE HOME DETENTION MONITORING AS A CONDITION OF PROBATION HAS ENTERED AN AREA THAT THE INDIVIDUAL IS EXPRESSLY PROHIBITED FROM ENTERING AS A CONDITION OF PRETRIAL RELEASE, THE PRIVATE HOME DETENTION

MONITORING AGENCY RESPONSIBLE FOR MONITORING THE INDIVIDUAL SHALL NOTIFY IMMEDIATELY THE DIVISION OF PAROLE AND PROBATION.

(D) (1) A PRIVATE HOME DETENTION MONITORING AGENCY MAY NOT KNOWINGLY FAIL TO GIVE NOTICE AS REQUIRED BY THIS SECTION.

(2) THE SECRETARY MAY IMPOSE A CIVIL PENALTY ON A PRIVATE HOME DETENTION MONITORING AGENCY FOR A VIOLATION OF THIS SUBSECTION THAT DOES NOT EXCEED:

(I) \$1,000 FOR THE FIRST DAY FOR WHICH THE PRIVATE HOME DETENTION MONITORING AGENCY FAILS TO GIVE NOTICE; AND

(II) \$250 FOR EACH SUBSEQUENT DAY THE PRIVATE HOME DETENTION MONITORING AGENCY FAILS TO GIVE NOTICE.

Article – Criminal Law

9–405.

(b) (1) This subsection applies to a person who is:

(i) temporarily released from a place of confinement;

(ii) committed to a pretrial agency;

(iii) committed to home detention by:

1. the court; or

2. the Division of Correction under Title 3, Subtitle 4 of the Correctional Services Article;

(iv) committed to a home detention program administered by a county;

(v) [committed] **RELEASED** to a private home detention monitoring agency as defined in § 20–101 of the Business Occupations and Professions Article; or

(vi) ordered by a court to serve a term of custodial confinement as defined in § 6–219 of the Criminal Procedure Article as a condition of a suspended sentence or probation before or after judgment.

(2) A person may not knowingly:

(i) violate any restriction on movement imposed under the terms of a temporary release, pretrial commitment, custodial confinement, or home detention order or agreement;

(ii) fail to return to a place of confinement under the terms of a temporary release, pretrial commitment, custodial confinement, or home detention order or agreement; or

(iii) remove, block, deactivate, or otherwise tamper with a monitoring device required to be worn or carried by the person to track the person's location, including an ankle or wrist bracelet, global position satellite offender tracking technology, or comparable equipment or system.

(c) A person who violates this section is guilty of the misdemeanor of escape in the second degree and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

~~(a) There is a Workgroup on Home Detention Monitoring;~~

~~(b) The Workgroup consists of the following members:~~

~~(1) three members of the Senate of Maryland, appointed by the President of the Senate;~~

~~(2) three members of the House of Delegates, appointed by the Speaker of the House;~~

~~(3) the Secretary of Public Safety and Correctional Services, or the Secretary's designee;~~

~~(4) the Public Defender of Maryland, or the Public Defender's designee;~~

~~(5) the Secretary of Juvenile Services, or the Secretary's designee;~~

~~(6) one representative of the Judiciary;~~

~~(7) the President of the Maryland State's Attorneys' Association, or the President's designee; and~~

~~(8) the following members, appointed by the Governor:~~

~~(i) one representative of the Job Opportunities Task Force;~~

~~(ii) one representative of the Maryland Chiefs of Police Association;~~

- ~~(iii) one representative of the Maryland Sheriffs' Association;~~
- ~~(iv) one representative of a large local detention center;~~
- ~~(v) one representative of a small local detention center;~~
- ~~(vi) one representative of a county pretrial release program that does not charge a fee to participants;~~
- ~~(vii) one representative of a county pretrial release program that charges a fee to participants;~~
- ~~(viii) one representative of an organization that assists victims of domestic violence; and~~
- ~~(ix) one representative of a private home detention monitoring agency as a nonvoting member.~~

~~(e) The President of the Senate and the Speaker of the House shall select two cochairs from among the members of the Workgroup.~~

~~(d) The Department of Public Safety and Correctional Services shall provide staff for the Workgroup.~~

~~(c) A member of the Workgroup:~~

~~(1) may not receive compensation as a member of the Workgroup; but~~

~~(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.~~

~~(f) The Workgroup shall:~~

~~(1) study the licensing, regulation, oversight, notification, and enforcement processes for home monitoring in the State; and~~

~~(2) make recommendations for a cost-effective and streamlined process for home monitoring in the State.~~

~~(g) On or before December 31, 2025, the Workgroup shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.~~

SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024. ~~Section 2 of this Act shall remain effective for a period of 2 years and, at~~

~~the end of September 30, 2026, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.~~

Approved by the Governor, May 16, 2024.