

Department of Legislative Services

Maryland General Assembly

2025 Session

FISCAL AND POLICY NOTE

First Reader

House Bill 485

(Delegate T. Morgan, *et al.*)

Judiciary

St. Mary's County - Corrections

The bill modifies and expands provisions relating to the St. Mary's County's release programs for individuals in the custody of the sheriff.

Fiscal Summary

State Effect: None. The bill only affects local government operations.

Local Effect: The bill is not anticipated to materially affect St. Mary's County's finances.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: *Under current law*, the St. Mary's County Sheriff may establish (1) a home detention program; (2) a work release program; (3) a pretrial release program; and (4) a prerelease program. If the sheriff establishes a program pursuant to this authority, the sheriff must adopt implementing regulations for each program. If a condition that a court imposes on an incarcerated individual is inconsistent with a regulation adopted under these provisions, the court-imposed condition controls as to that incarcerated individual. *The bill* expands the programs that the sheriff is authorized to establish to include a day reporting program, an in-patient treatment program, and a pretrial release *supervision* program. *The bill* also removes the term "incarcerated" from these provisions.

Under current law, at the time of sentencing or at any time during an individual's confinement, the court may allow the individual to participate in any established program

if the individual is sentenced to the custody of the sheriff and has no other charges for a felony or a violation of a crime of violence, as defined in § 14-101 of the Criminal Law Article, pending in any jurisdiction. *Under the bill*, at the time of a *court proceeding* (instead of at the time of *sentencing*) or at any time during an individual's *participation in a program* (instead of during an individual's *confinement*), the court may allow the individual to participate in any established program if the individual is *court-ordered* (instead of *sentenced*) to the custody of the sheriff and has no other charges for a felony or a crime of violence, as defined in § 14-101 of the Criminal Law Article, pending in any jurisdiction.

Under current law, an incarcerated individual who is participating in any established program and who is sentenced to the St. Mary's County Detention and Rehabilitation Center may leave the detention center to (1) continue regular employment; (2) seek new employment; (3) attend any court-ordered treatment appointments; (4) receive intensive counseling; (5) obtain academic education; or (6) maximize use of other community resources or other similar rehabilitative activities. *Under the bill*, an individual who is participating in any established program and who is *authorized to participate in a St. Mary's County Detention and Rehabilitation Center Program* (instead of *sentenced to the center*), is authorized to conduct those listed activities with the approval of the sheriff or the sheriff's designee.

Under current law, the sheriff or the sheriff's designee must collect the earnings of an incarcerated individual participating in an established program, less required payroll deductions. From the incarcerated individual's earnings, the sheriff may deduct (1) the amount determined to be the cost to the county of providing food, lodging, clothing, and transportation for the incarcerated individual; (2) actual and necessary food, travel, and other expenses incidental to the incarcerated individual's participation in the program; (3) an amount the incarcerated individual is legally obligated or desires to pay for the support of a dependent; (4) if applicable, a reasonable amount to repay the State or the county for an attorney appointed by the court; and (5) court-ordered payments for restitution. The sheriff must credit to the incarcerated individual's account the remaining balance and dispose of the balance in the incarcerated individual's account as the incarcerated individual requests and the sheriff approves. *The bill* repeals those provisions. Instead, *under the bill*, the sheriff or the sheriff's designee may direct an individual participating in an established program to provide proof that the individual has made payments toward any of the following obligations: (1) an amount the individual is legally obligated to pay for the support of a dependent; (2) court-ordered payments for restitution; or (3) court-ordered fees or fines.

Under current law, if an incarcerated individual violates a trust or a condition that a court or the sheriff has established for participating in an established program, the sheriff or the sheriff's designee must notify the court in writing of the violation. An incarcerated

individual who violates a trust or condition that a court or the sheriff has established for program participation is subject to removal from the program and cancellation of any earned diminution credits. *The bill* modifies these provisions to remove the term “incarcerated.”

Section 14-101(a) of the Criminal Law Article defines a “crime of violence” as (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking (including armed carjacking); (11) first- and second-degree sexual offenses; (12) use of a firearm in the commission of a felony or other crime of violence, except possession with intent to distribute a controlled dangerous substance; (13) child abuse in the first degree; (14) sexual abuse of a minor under specified circumstances; (15) home invasion; (16) felony sex trafficking and forced marriage; (17) an attempt to commit crimes (1) through (16); (18) continuing course of certain sexual conduct with a child; (19) assault in the first degree; and (20) assault with intent to murder, rape, rob, or commit a sexual offense in the first or second degree.

Additional Information

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

Designated Cross File: None.

Information Source(s): St. Mary’s County; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

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rh/lgc

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