

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 743
Judiciary

(Delegate Taylor)

Private Home Detention Monitoring Agencies - Notification of Violation

This bill repeals the requirement that a private home detention monitoring agency (PHDMA) notify a court-determined designated law enforcement agency within 24 hours of determining that a defendant on pretrial release being monitored by the agency has violated a condition of home detention monitoring.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

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

Small Business Effect: Minimal.

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 the Department of Public Safety and Correctional Services.

Within 24 hours of determining that a defendant subject to private home detention monitoring as a condition of the defendant's pretrial release has violated a condition of monitoring, the monitoring PHDMA must notify the court that ordered the monitoring and the *court-designated law enforcement agency*. If the violation involved tampering with or

failing to properly maintain home detention monitoring equipment as required by a court order, the notification must be made within one hour. If the violation involved the defendant entering an area the defendant was expressly prohibited from entering as a condition of pretrial release, the notification must be immediate. *(The bill only repeals notification of law enforcement for violations of conditions of pretrial monitoring. PHDMAs are still required to notify law enforcement for the other types of pretrial violations.)*

Within 24 hours of determining that an individual subject to private home detention monitoring as a condition of probation has violated a condition of monitoring, the monitoring PHDMA must notify the Division of Parole and Probation. If the violation involved tampering with or failing to properly maintain home detention monitoring equipment as required by a court order, the notification must be made within one hour. If the violation involved the individual entering an area the individual was expressly prohibited from entering as a condition of pretrial release, the notification must be immediate.

A PHDMA may not knowingly fail to give mandatory notice, as described above. The Secretary of Public Safety and Correctional Services may impose the following civil penalties on a PHDMA for a violation: \$1,000 for the first day the PHDMA failed to give notice; and \$250 for each subsequent day the PHDMA failed to give notice.

Escape in the Second Degree

Section 9-405(b) of the Criminal Law Article prohibits specified individuals, including a person *released to a PHDMA*, from knowingly violating any restriction on movement imposed on them; failing to return to a place of confinement as required; or removing, blocking, deactivating, or otherwise tampering with a monitoring device they are required to wear or carry to track their location, including an ankle or wrist bracelet, global position satellite offender tracking technology, or comparable equipment or system. Violators are guilty of escape in the second degree, which is a misdemeanor punishable by imprisonment for up to three years and/or or a \$5,000 maximum fine.

Additional Information

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

Designated Cross File: None.

Information Source(s): Cecil, Frederick, Montgomery, and Somerset counties; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of Legislative Services

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