



Maryland State's Attorneys' Association

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DATE: February 28, 2025

BILL NUMBER: HB 1154

POSITION: Favorable

The Maryland State's Attorneys' Association (MSAA) supports House Bill 1154 and urges this Committee to issue a favorable report.

Pursuant to MD. CODE ANN., CORR. SERVS. ("CS") § 3-401 *et seq.*, the Maryland Division of Correction is permitted to establish a home detention program (and has done so). Incarcerated individuals are generally eligible to be granted home detention, within the discretion of the Commissioner of Correction, unless they are (a) serving a life sentence, (b) have been convicted of child abuse or escape, or (c) have been convicted of a crime of violence (subject to certain exceptions).

An incarcerated person serving their sentence on home detention is subject to a number of restrictions, including a requirement that they remain in the approved dwelling where they are supervised by electronic means. Violations of this or other restrictions can result in removal from the home detention program – CS § 3-413 provides that the Commissioner may remove an incarcerated person from participation in home detention for any reason.

HB 1154 amends this provision, requiring the Commissioner to remove an incarcerated individual from participation in the home detention program if they have violated the terms of the program. This provision creates a bright-line rule, ensuring the safety of the public by removing from the community incarcerated individuals that violate the terms of their home detention. HB 1154 leaves untouched the Commissioner's general discretion to remove an incarcerated individual from participation in the home detention program for any reason, and does not prohibit the Commissioner from granting an incarcerated individual this privilege again later on following a removal from the program – adding this provision, however, will encourage compliance with the terms of home detention, as participants will know for certain that a violation of a program term will result in their return to a correctional facility. Participation in the home detention program is a significant privilege for an incarcerated individual serving a sentence in the Division of Correction, and it is not unreasonable to expect a participant to comply with the rules of this program in order to continue to remain in it – MSAA accordingly urges a favorable report.