

HOUSE BILL 373

E2, E4, L2

8lr2158

By: **Cecil County Delegation**

Introduced and read first time: January 24, 2018

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 27, 2018

CHAPTER _____

1 AN ACT concerning

2 **Cecil County – Home Detention and Release Programs**

3 FOR the purpose of repealing provisions relating to a home detention program in Cecil
4 County; authorizing the Sheriff of Cecil County to establish home detention, pretrial
5 release, work release, and prerelease programs; requiring the Sheriff to adopt
6 regulations necessary to implement the programs; providing that a certain condition
7 imposed by a court supersedes a certain regulation under certain circumstances;
8 authorizing a court to allow a certain individual to participate in a program
9 established under this Act at a certain time; authorizing a certain inmate to leave
10 the Community Corrections Center for certain purposes; authorizing the Sheriff to
11 charge a certain inmate a certain fee for a certain purpose; requiring the Sheriff or
12 the Sheriff's designee to notify the court in writing of a certain violation; establishing
13 certain penalties for a violation of a trust or condition established for participation
14 in a certain program; defining certain terms; and generally relating to home
15 detention, pretrial release, work release, and prerelease programs in Cecil County.

16 BY repealing and reenacting, with amendments,
17 Article – Correctional Services
18 Section 11–709
19 Annotated Code of Maryland
20 (2017 Replacement Volume)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Correctional Services

11-709.

(a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “SHERIFF” MEANS THE SHERIFF OF CECIL COUNTY.

(3) “WARDEN” MEANS THE WARDEN OF THE CECIL COUNTY COMMUNITY CORRECTIONS CENTER.

(B) This section applies only in Cecil County.

[(b) (1) The Sheriff shall:

(i) establish and administer a home detention program; and

(ii) adopt regulations to implement the program.

(2) (i) At the time of sentencing or at any time during an individual’s confinement, the sentencing judge may place the individual in the home detention program.

(ii) The Sheriff may place an inmate in the home detention program at any time after the inmate has served 25% of the inmate’s sentence.

(3) Subject to paragraph (4) of this subsection, an inmate is eligible for the home detention program if the inmate:

(i) is placed in the program by the sentencing judge or the Sheriff;

and

(ii) has no other charges pending in any jurisdiction.

(4) An inmate is not eligible for the home detention program if the inmate:

(i) is serving a sentence for a crime of violence; or

(ii) has been found guilty of the crime of:

1. child abuse under § 3-601 or § 3-602 of the Criminal Law

Article; or

2. escape under § 9-404 of the Criminal Law Article.

(5) The Sheriff shall:

1 (i) determine the amount of a reasonable fee for the cost of electronic
2 supervision, including the administrative costs associated with the supervision; and

3 (ii) collect the fee from each inmate in the program.]

4 **(C) (1) THE SHERIFF MAY ESTABLISH PROGRAMS FOR:**

5 **(I) HOME DETENTION;**

6 **(II) PRETRIAL RELEASE;**

7 **(III) WORK RELEASE; AND**

8 **(IV) PRERELEASE.**

9 **(2) (I) THE SHERIFF SHALL ADOPT REGULATIONS NECESSARY TO**
10 **IMPLEMENT EACH PROGRAM ESTABLISHED UNDER THIS SECTION.**

11 **(II) IF A CONDITION THAT A COURT IMPOSES ON AN INMATE IS**
12 **INCONSISTENT WITH A REGULATION ADOPTED UNDER THIS SUBSECTION, THE**
13 **CONDITION IMPOSED BY THE COURT SUPERSEDES THE REGULATION.**

14 **(D) (1) AT THE TIME OF SENTENCING OR AT ANY TIME DURING AN**
15 **INDIVIDUAL'S CONFINEMENT, THE COURT MAY ALLOW THE INDIVIDUAL TO**
16 **PARTICIPATE IN A PROGRAM ESTABLISHED UNDER THIS SECTION IF THE**
17 **INDIVIDUAL:**

18 **(I) IS SENTENCED TO THE CUSTODY OF THE WARDEN; AND**

19 **(II) HAS NO OTHER FELONY CHARGES PENDING IN ANY**
20 **JURISDICTION.**

21 **(2) AN INMATE DESIGNATED TO PARTICIPATE IN A PROGRAM UNDER**
22 **THIS SECTION MAY LEAVE THE COMMUNITY CORRECTIONS CENTER TO:**

23 **(I) CONTINUE REGULAR EMPLOYMENT;**

24 **(II) SEEK NEW EMPLOYMENT;**

25 **(III) ATTEND COURT-ORDERED TREATMENT APPOINTMENTS;**

26 **(IV) UNDERGO INTENSIVE COUNSELING;**

1 (V) PURSUE ACADEMIC EDUCATION; OR

2 (VI) USE OTHER COMMUNITY RESOURCES OR PARTICIPATE IN
3 OTHER ACTIVITIES FOR THE PURPOSE OF REHABILITATION.

4 (E) THE SHERIFF MAY CHARGE AN INMATE PARTICIPATING IN A PROGRAM
5 ESTABLISHED UNDER THIS SECTION A REASONABLE PROGRAM PARTICIPATION FEE
6 TO PAY FOR THE COSTS INCURRED BY THE COUNTY FOR THE MANAGEMENT AND
7 ADMINISTRATION OF THE PROGRAM.

8 (F) (1) IF AN INMATE VIOLATES A TRUST OR A CONDITION THAT A COURT
9 OR THE SHERIFF HAS ESTABLISHED FOR PARTICIPATING IN A PROGRAM UNDER
10 THIS SECTION, THE SHERIFF OR THE SHERIFF’S DESIGNEE SHALL NOTIFY THE
11 COURT IN WRITING OF THE VIOLATION.

12 (2) AN INMATE WHO VIOLATES A TRUST OR CONDITION THAT A COURT
13 OR THE SHERIFF HAS ESTABLISHED FOR PARTICIPATING IN A PROGRAM
14 ESTABLISHED UNDER THIS SECTION IS SUBJECT TO:

15 (I) REMOVAL FROM THE PROGRAM; AND

16 (II) CANCELLATION OF ANY EARNED DIMINUTION OF THE
17 INMATE’S TERM OF CONFINEMENT.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.