

# SENATE BILL 637

L2

8lr2208

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By: **Cecil County Senators**

Introduced and read first time: February 1, 2018

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of repealing certain provisions of law relating to the establishment and  
4 administration of a home detention program by the Sheriff of Cecil County;  
5 authorizing the Sheriff to establish and administer programs for home detention,  
6 prerelease, pretrial release, and work release; requiring the Sheriff to adopt  
7 regulations to implement a certain program; authorizing a court to allow an  
8 individual to participate in a certain program under certain circumstances; providing  
9 that an inmate authorized to participate in a certain program may leave the Cecil  
10 County Detention Center under certain circumstances; authorizing the Sheriff and  
11 the County Council of Cecil County to charge a reasonable monetary amount or fee  
12 to an inmate to pay for certain costs; providing that an inmate who violates a certain  
13 trust or condition is subject to certain sanctions; requiring the Sheriff or the Sheriff's  
14 designee to notify the court of a violation in a certain manner; providing that if a  
15 condition imposed by a court is inconsistent with a certain regulation, the condition  
16 imposed by the court shall control; and generally relating to release and home  
17 detention programs in Cecil County.

18 BY repealing and reenacting, with amendments,

19 Article – Correctional Services

20 Section 11–709

21 Annotated Code of Maryland

22 (2017 Replacement Volume)

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

25 **Article – Correctional Services**

26 11–709.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) This section applies only in Cecil County.

2 (b) (1) The Sheriff [shall:

3 (i) MAY establish and administer [a home detention program]

4 **PROGRAMS FOR:**

5 (I) HOME DETENTION;

6 (II) PRERELEASE;

7 (III) PRETRIAL RELEASE; and

8 (IV) WORK RELEASE.

9 [(ii)] (2) THE SHERIFF SHALL adopt regulations to implement  
10 [the] EACH program ESTABLISHED UNDER THIS SECTION.

11 [(2) (i)] (C) At the time of sentencing or at any time during an  
12 individual's confinement, the [sentencing judge may place the individual in the home  
13 detention program.] COURT MAY ALLOW AN INDIVIDUAL TO PARTICIPATE IN A  
14 PROGRAM ESTABLISHED UNDER THIS SECTION IF THE INDIVIDUAL:

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

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

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

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

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

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

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

25 1. child abuse under § 3-601 or § 3-602 of the Criminal Law  
26 Article; or

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

1           (5)    The Sheriff shall:

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

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

5           **(1)    IS SENTENCED TO THE CUSTODY OF THE SHERIFF; AND**

6           **(2)    HAS NO FELONY CHARGES PENDING IN ANY JURISDICTION.**

7           **(D)    AN INMATE AUTHORIZED TO PARTICIPATE IN A PROGRAM UNDER THIS**  
8 **SECTION MAY LEAVE THE CECIL COUNTY DETENTION CENTER TO:**

9                   **(1)    CONTINUE REGULAR EMPLOYMENT;**

10                  **(2)    SEEK NEW EMPLOYMENT;**

11                  **(3)    ATTEND ANY COURT-ORDERED TREATMENT APPOINTMENTS;**

12                  **(4)    PARTICIPATE IN AN EDUCATIONAL OR REHABILITATIVE PROGRAM**  
13 **OR INTENSIVE COUNSELING; OR**

14                  **(5)    USE OTHER COMMUNITY RESOURCES.**

15           **(E)    THE SHERIFF AND THE COUNTY COUNCIL OF CECIL COUNTY MAY**  
16 **CHARGE AN INMATE PARTICIPATING IN A PROGRAM UNDER THIS SECTION A**  
17 **REASONABLE MONETARY AMOUNT OR PROGRAM PARTICIPATION FEE TO PAY FOR**  
18 **THE COSTS INCURRED BY THE COUNTY FOR THE MANAGEMENT AND**  
19 **ADMINISTRATION OF THE PROGRAMS ESTABLISHED UNDER THIS SECTION.**

20           **(F)    (1)    IF AN INMATE VIOLATES A TRUST OR A CONDITION THAT THE**  
21 **COURT OR THE SHERIFF ESTABLISHES FOR PARTICIPATION IN A PROGRAM UNDER**  
22 **THIS SECTION:**

23                   **(I)    THE INMATE IS SUBJECT TO:**

24                           **1.    REMOVAL FROM THE PROGRAM; AND**

25                           **2.    CANCELLATION OF ANY EARNED DIMINUTION OF THE**  
26 **INMATE'S TERM OF CONFINEMENT; AND**

27                   **(II)   THE SHERIFF OR THE SHERIFF'S DESIGNEE SHALL NOTIFY**  
28 **THE COURT IN WRITING OF THE VIOLATION.**

1                   **(2) IF A CONDITION THAT A COURT IMPOSES ON AN INMATE IS**  
2 **INCONSISTENT WITH A REGULATION ADOPTED UNDER THIS SECTION, THE**  
3 **CONDITION IMPOSED BY THE COURT CONTROLS AS TO THAT INMATE.**

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