

SENATE BILL 815

E1, E4

4r2970
CF HB 638

By: **Montgomery County Senators**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Telecommunication Devices in Place of Confinement –**
3 **Montgomery County Work Release and Prerelease Programs**

4 FOR the purpose of exempting certain work release and prerelease programs in
5 Montgomery County from certain prohibitions relating to telecommunication
6 devices in a place of confinement; and generally relating to Montgomery County
7 work release and prerelease programs and telecommunication devices.

8 BY repealing and reenacting, without amendments,
9 Article – Correctional Services
10 Section 11–717
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2013 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Law
15 Section 9–417
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2013 Supplement)

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

20 **Article – Correctional Services**

21 11–717.

22 (a) In this section, “Director” means the Director of the Montgomery County
23 Department of Correction and Rehabilitation.

24 (b) This section applies only in Montgomery County.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) The County Council shall establish work release and prerelease
2 programs in accordance with this section.

3 (2) A work release or prerelease program shall provide that an inmate
4 of the County Department of Correction and Rehabilitation, on approval of the
5 Director, may leave confinement during necessary and reasonable hours to seek or
6 work at gainful employment and to participate in other rehabilitative activities,
7 including:

8 (i) intensive counseling;

9 (ii) academic education;

10 (iii) home visitation;

11 (iv) transitional phased release programs; and

12 (v) maximum use of other community resources or other similar
13 rehabilitative activities.

14 (d) (1) At any time during the confinement of an inmate of the County
15 Department of Correction and Rehabilitation, the judge who ordered the confinement
16 or, if that judge is unable to act, another judge of the committing court, may approve
17 the transfer of the inmate to the work release/prerelease center to participate in a
18 work release or prerelease program:

19 (i) in accordance with the selection requirements and programs
20 established by the County Council; and

21 (ii) after a recommendation by the Director or the Director's
22 designee.

23 (2) After the inmate enters the work release or prerelease program,
24 the judge who ordered confinement or, if that judge is unable to act, another judge of
25 the committing court, may order the release of the inmate from custody based on:

26 (i) the recommendation of the Director or Director's designee;
27 and

28 (ii) the report of the inmate's performance in the work release or
29 prerelease program.

30 (3) When not employed or otherwise participating in a work release
31 program, the inmate shall be confined in the prerelease center unless the committing
32 court directs otherwise.

1 (e) (1) The Director or the Director's designee shall collect the earnings of
2 an inmate participating in a work release or prerelease program under this section,
3 less any payroll deduction required by law.

4 (2) From the earnings of the inmate, the Director may deduct:

5 (i) the amount determined to be the cost to the county of
6 providing food, lodging, and clothing for the inmate;

7 (ii) actual and necessary food, travel, and other expenses
8 incidental to the inmate's participation in the program;

9 (iii) an amount the inmate is legally obligated or desires to pay
10 for the support of a dependent;

11 (iv) if applicable, a reasonable amount to repay the State or the
12 county for an attorney appointed by the court; and

13 (v) court-ordered payments for restitution.

14 (3) The Director shall:

15 (i) credit to the inmate's account any remaining balance; and

16 (ii) dispose of the balance in the inmate's account as the inmate
17 requests and the Director approves.

18 (f) (1) If an inmate violates a trust or a condition that the County Council
19 establishes for conduct or employment, the inmate is subject to:

20 (i) removal from the program; and

21 (ii) cancellation of any earned diminution of the inmate's term
22 of confinement.

23 (2) If an inmate violates a condition or a term of the program and the
24 Director or the Director's designee removes the inmate from the program because of
25 the violation, a judge of the committing court may redesignate the Division of
26 Correction as the agency of custody for the remaining term of the inmate's
27 confinement.

28 (g) (1) The County Department of Correction and Rehabilitation shall
29 provide all work release, prerelease, and similar services to county residents who are
30 sentenced to the jurisdiction of the Division of Correction.

31 (2) The Commissioner of Correction may transfer to the County
32 Department of Correction and Rehabilitation only those eligible individuals who are

1 screened and recommended for approval for the work release or prerelease program, or
2 both programs, by both correctional agencies.

3 (3) The county facilities shall operate in accordance with general
4 operational standards that the Commissioner of Correction approves.

5 (4) The County Department of Correction and Rehabilitation and the
6 Division of Correction shall negotiate a contract each year that provides for State
7 reimbursement on a per diem basis for operational costs to the county for providing
8 the community correctional services described in this section to inmates sentenced to
9 the Division of Correction and confined in the County Department of Correction and
10 Rehabilitation.

11 Article – Criminal Law

12 9–417.

13 **(A) THIS SECTION DOES NOT APPLY TO A WORK RELEASE OR**
14 **PRERELEASE PROGRAM IN MONTGOMERY COUNTY ESTABLISHED UNDER §**
15 **11–717 OF THE CORRECTIONAL SERVICES ARTICLE.**

16 **[(a)] (B)** (1) A person may not deliver a telecommunication device to a
17 person detained or confined in a place of confinement with signs posted indicating that
18 such conduct is prohibited.

19 (2) A person may not possess a telecommunication device with the
20 intent to deliver it to a person detained or confined in a place of confinement with
21 signs posted indicating that such conduct is prohibited.

22 (3) A person may not deposit or conceal a telecommunication device in
23 or about a place of confinement with signs posted indicating that such conduct is
24 prohibited or on any land appurtenant to the place of confinement with the intent that
25 it be obtained by a person detained or confined in the place of confinement.

26 (4) A person detained or confined in a place of confinement may not
27 knowingly possess or receive a telecommunication device.

28 **[(b)] (C)** A person who violates this section is guilty of a misdemeanor and
29 on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
30 \$1,000 or both.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2014.