

HOUSE BILL 1406

E4

9lr2887

By: **Chair, Howard County Delegation**

Introduced and read first time: February 28, 2019

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 11, 2019

Committee Report: Favorable

House action: Adopted

Read second time: March 23, 2019

CHAPTER _____

1 AN ACT concerning

2 **Howard County – Department of Correction – Authority to Establish Programs**

3 **Ho. Co. 29–19**

4 FOR the purpose of authorizing the Howard County Department of Correction to establish
5 community service and pretrial services programs; authorizing a certain program to
6 include a certain inmate's participation in a certain program; authorizing the
7 Director of the Howard County Department of Correction to adopt regulations
8 relating to the operation of certain programs; authorizing a certain judge or court to
9 allow a certain individual to participate in a certain program under certain
10 circumstances; authorizing a certain inmate to leave the Howard County Detention
11 Center under certain circumstances; authorizing a certain inmate to continue
12 regular employment or obtain new employment; requiring that a certain inmate be
13 confined to the Howard County Detention Center under certain circumstances;
14 requiring a certain inmate to make certain payments; providing that a certain
15 inmate is not an agent or employee of a certain entity; providing that a certain
16 inmate is subject to removal from a certain program and cancellation of certain
17 diminution credits; altering an incorrect reference; and generally relating to the
18 Howard County Department of Correction.

19 BY repealing and reenacting, with amendments,

20 Article – Correctional Services

21 Section 11–715

22 Annotated Code of Maryland

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.



(2017 Replacement Volume and 2018 Supplement)

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

Article – Correctional Services

11–715.

(a) (1) In this section the following terms have the meanings indicated.

(2) “Department” means the Howard County Department of Correction.

(3) “Director” means the Director of the Howard County Department of Correction.

(b) This section applies only in Howard County.

(c) (1) The Department may establish [a work release program] **PROGRAMS FOR:**

(I) WORK RELEASE;

(II) COMMUNITY SERVICE; AND

(III) PRETRIAL SERVICES.

(2) [The work release] **A program ESTABLISHED UNDER THIS SECTION** may include an inmate’s participation in a program of employment, rehabilitation, training, education, or home detention.

(3) The Director may adopt regulations relating to the operation of [the work release] **A program ESTABLISHED UNDER THIS SECTION.**

(d) (1) At the time of sentencing or at any time during an individual’s confinement, the sentencing judge if available, or otherwise the court may allow an individual to participate in [the work release] **A program ESTABLISHED UNDER THIS SECTION** if the individual:

(i) has been sentenced to the custody of the Department; and

(ii) has no other charges pending in any jurisdiction for a crime of violence as defined under [§ 14–101(c)] **§ 14–101** of the Criminal Law Article.

(2) If the Department approves, an inmate in the custody of the Howard County Detention Center may leave the Center to participate in a [work release] program

1 ESTABLISHED UNDER THIS SECTION.

2 (3) An inmate who has been designated to participate in a [work release]
3 program ESTABLISHED UNDER THIS SECTION may:

4 (i) continue regular employment; or

5 (ii) obtain new employment.

6 (4) An inmate who has been sentenced to the custody of the Department
7 shall be confined to the Howard County Detention Center:

8 (i) except as provided in this section; or

9 (ii) unless a court orders otherwise.

10 (e) An inmate who is employed while in a [work release] program ESTABLISHED
11 under this section shall:

12 (1) reimburse the Department by paying a fee based on:

13 (i) the Department's estimated cost of providing food and lodging to
14 the inmate; and

15 (ii) the estimated expenses incurred by the Department because of
16 the inmate's participation in the [work release] program; and

17 (2) pay to the Director court-ordered payments for restitution.

18 (f) An inmate employed in the community under this section is not an agent or
19 employee of the county, the Director, the court or any judicial officer, or any public officer
20 of the county.

21 (g) An inmate who violates a condition or provision of trust that the court or the
22 Department establishes is subject to:

23 (1) removal from the [work release] program; and

24 (2) cancellation of any earned diminution of the inmate's term of
25 confinement.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2019.