

HOUSE BILL 859

E2

3lr2001
CF SB 853

By: **Delegate Smith**

Introduced and read first time: February 9, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Private Home Detention Monitoring – Notification**

3 FOR the purpose of requiring a private home detention monitoring agency to immediately
4 notify the court after a defendant subject to private home detention monitoring as a
5 condition of pretrial release has been missing for a certain amount of time; requiring
6 a private home detention monitoring agency to notify immediately the Division of
7 Parole and Probation after an individual subject to home monitoring as a condition
8 of probation has been missing for a certain amount of time; and generally relating to
9 private home detention monitoring.

10 BY repealing and reenacting, with amendments,
11 Article – Business Occupations and Professions
12 Section 20–401
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2022 Supplement)

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

17 **Article – Business Occupations and Professions**

18 20–401.

19 (a) A private home detention monitoring agency shall:

20 (1) monitor individuals in accordance with any applicable orders of court;

21 (2) monitor 24 hours a day and 7 days a week individuals who are under a
22 court order that requires monitoring by a private home detention monitoring agency; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) utilize electronic equipment or other monitoring methods that meet or
2 exceed standards established in regulations by the Secretary.

3 (b) (1) (I) Upon determining that a defendant subject to private home
4 detention monitoring under the provisions of § 5–201(b) of the Criminal Procedure Article
5 has been missing for 24 hours, the private home detention monitoring agency responsible
6 for monitoring the defendant shall[, on the next business day,] notify **IMMEDIATELY** the
7 court that ordered private home detention monitoring as a condition of the defendant’s
8 pretrial release.

9 (II) **IF THE COURT THAT ORDERED PRIVATE HOME DETENTION**
10 **MONITORING IS NOT OPEN FOR BUSINESS WHEN NOTIFICATION IS REQUIRED, THE**
11 **PRIVATE HOME DETENTION MONITORING AGENCY SHALL NOTIFY THE DESIGNATED**
12 **DUTY JUDGE OF THE COUNTY WHERE THE COURT IS LOCATED.**

13 (2) If the court that ordered private detention monitoring as a condition of
14 a defendant’s pretrial release under the provisions of § 5–201(b) of the Criminal Procedure
15 Article requests that it be notified if the defendant violates any other conditions of pretrial
16 release, the private home detention monitoring agency responsible for monitoring the
17 defendant shall provide the court with the requested notice.

18 (c) Upon determining that an individual who is subject to private home detention
19 monitoring as a condition of probation has been missing for 24 hours, the private home
20 detention monitoring agency responsible for monitoring the individual shall[, on the next
21 business day,] notify **IMMEDIATELY** the Division of Parole and Probation.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2023.