

# HOUSE BILL 638

E1, E4

4r1750  
CF 4r2970

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By: **Montgomery County Delegation**

Introduced and read first time: January 30, 2014

Assigned to: Judiciary

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## 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 **MC 21–14**

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

9 BY repealing and reenacting, without amendments,  
10 Article – Correctional Services  
11 Section 11–717  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Criminal Law  
16 Section 9–417  
17 Annotated Code of Maryland  
18 (2012 Replacement Volume and 2013 Supplement)

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

21 **Article – Correctional Services**

22 11–717.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

9 (i) intensive counseling;

10 (ii) academic education;

11 (iii) home visitation;

12 (iv) transitional phased release programs; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16                   (v)    court-ordered payments for restitution.

17           (3)    The Director shall:

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

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

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

23                   (i)    removal from the program; and

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

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

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

4 (2) The Commissioner of Correction may transfer to the County  
5 Department of Correction and Rehabilitation only those eligible individuals who are  
6 screened and recommended for approval for the work release or prerelease program, or  
7 both programs, by both correctional agencies.

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

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

16 **Article – Criminal Law**

17 9–417.

18 **(A) THIS SECTION DOES NOT APPLY TO A WORK RELEASE OR**  
19 **PRERELEASE PROGRAM IN MONTGOMERY COUNTY ESTABLISHED UNDER §**  
20 **11–717 OF THE CORRECTIONAL SERVICES ARTICLE.**

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

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

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

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

33 **[(b)] (C)** A person who violates this section is guilty of a misdemeanor and  
34 on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding  
35 \$1,000 or both.

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