

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 638
Judiciary

(Montgomery County Delegation)

Judicial Proceedings

Criminal Law - Telecommunication Devices in Place of Confinement -
Montgomery County Work Release and Prerelease Programs
MC 21-14

This bill exempts a work release or prerelease program under the jurisdiction of the Montgomery County Department of Correction and Rehabilitation from prohibitions relating to telecommunications devices in a place of confinement.

Fiscal Summary

State Effect: The bill does not directly affect State finances or operations.

Local Effect: Minimal. Montgomery County can implement the bill's changes with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: A person may not deliver a telecommunication device to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited. A person may not possess a telecommunication device with the intent to deliver it to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited. A person may not deposit or conceal a telecommunication device in or about a place of confinement with signs posted indicating that such conduct is prohibited or on any land appurtenant to the place of confinement with the intent that it be obtained by a person detained or confined in the place of confinement.

A person detained or confined in a place of confinement may not knowingly possess or receive a telecommunication device.

A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a fine of \$1,000. A sentence imposed for any contraband offense may be imposed as consecutive to or concurrent with a sentence for any crime based on the act establishing the offense.

Inmates are selected for a work release or prerelease program in Montgomery County on the approval of the Director of the Department of Correction and Rehabilitation. Inmates may leave confinement during necessary and reasonable hours to seek or work at gainful employment and to participate in other rehabilitative activities, including: (1) intensive counseling; (2) academic education; (3) home visitation; (4) transitional phased release programs; and (5) maximum use of other community resources or other similar rehabilitative activities.

In addition, at any time during the confinement of an inmate in the county, the judge who ordered the confinement or, if that judge is unable to act, another judge of the committing court, may approve the transfer of the inmate to the work release/prerelease center to participate in a work release or prerelease program (1) in accordance with the program selection requirements and (2) after a recommendation by the director or the director's designee.

Additional Information

Prior Introductions: None.

Cross File: SB 815 (Montgomery County Senators) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Montgomery County, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2014
mm/lgc

Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510