

HOUSE BILL 658

E4

0lr2916

By: **Delegates Haynes, Acevero, Chang, Corderman, M. Jackson, McKay, Proctor, Queen, and Turner**

Introduced and read first time: January 29, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Local Correctional Facilities – Requirement for Prerelease Program**

3 FOR the purpose of requiring the governing body of each county that receives State funding
4 for certain purposes to establish a certain prerelease program for individuals
5 confined in certain local correctional facilities; requiring a prerelease program to
6 provide that a certain inmate may participate in certain rehabilitative activities
7 under certain circumstances; authorizing a certain judge to approve the transfer of
8 a certain inmate to a prerelease center to participate in a prerelease program under
9 certain circumstances; authorizing a certain judge to approve the release from
10 custody of a certain inmate under certain circumstances; requiring the director of
11 the local correctional facility or the director's designee to collect the earnings of a
12 certain inmate, to make certain deductions for certain purposes, and to take certain
13 steps with the balance; providing certain sanctions for an inmate who violates a
14 certain trust or condition; and generally relating to prerelease programs in local
15 correctional facilities.

16 BY adding to

17 Article – Correctional Services

18 Section 11–608

19 Annotated Code of Maryland

20 (2017 Replacement Volume and 2019 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

22 That the Laws of Maryland read as follows:

23 **Article – Correctional Services**

24 **11–608.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) THE GOVERNING BODY OF EACH COUNTY THAT RECEIVES STATE**
2 **FUNDING FOR PUBLIC SAFETY SHALL ESTABLISH A PRERELEASE PROGRAM FOR**
3 **INDIVIDUALS CONFINED IN LOCAL CORRECTIONAL FACILITIES IN THAT**
4 **JURISDICTION IN ACCORDANCE WITH THIS SECTION.**

5 **(B) A PRERELEASE PROGRAM SHALL PROVIDE THAT AN INMATE OF THE**
6 **LOCAL CORRECTIONAL FACILITY, ON APPROVAL OF THE DIRECTOR OF THE**
7 **FACILITY, MAY PARTICIPATE IN REHABILITATIVE ACTIVITIES, INCLUDING:**

8 **(1) JOB TRAINING;**

9 **(2) DRUG TREATMENT; AND**

10 **(3) MENTAL HEALTH TREATMENT.**

11 **(C) (1) AT ANY TIME DURING THE CONFINEMENT OF AN INMATE OF THE**
12 **LOCAL CORRECTIONAL FACILITY, THE JUDGE WHO ORDERED THE CONFINEMENT**
13 **OR, IF THAT JUDGE IS UNABLE TO ACT, ANOTHER JUDGE OF THE COMMITTING**
14 **COURT MAY APPROVE THE TRANSFER OF THE INMATE TO A PRERELEASE CENTER TO**
15 **PARTICIPATE IN A PRERELEASE PROGRAM:**

16 **(I) IN ACCORDANCE WITH THE SELECTION REQUIREMENTS**
17 **AND PROGRAMS ESTABLISHED BY THE GOVERNING BODY; AND**

18 **(II) AFTER A RECOMMENDATION BY THE DIRECTOR OF THE**
19 **FACILITY OR THE DIRECTOR'S DESIGNEE.**

20 **(2) AFTER THE INMATE ENTERS THE PRERELEASE PROGRAM, THE**
21 **JUDGE WHO ORDERED CONFINEMENT OR, IF THAT JUDGE IS UNABLE TO ACT,**
22 **ANOTHER JUDGE OF THE COMMITTING COURT MAY ORDER THE RELEASE OF THE**
23 **INMATE FROM CUSTODY BASED ON:**

24 **(I) THE RECOMMENDATION OF THE DIRECTOR OF THE**
25 **FACILITY OR THE DIRECTOR'S DESIGNEE; AND**

26 **(II) THE REPORT OF THE INMATE'S PERFORMANCE IN THE**
27 **PRERELEASE PROGRAM.**

28 **(D) (1) THE DIRECTOR OF THE FACILITY OR THE DIRECTOR'S DESIGNEE**
29 **SHALL COLLECT THE EARNINGS OF AN INMATE PARTICIPATING IN A PRERELEASE**
30 **PROGRAM UNDER THIS SECTION, LESS ANY PAYROLL DEDUCTION REQUIRED BY**
31 **LAW.**

1 **(2) FROM THE EARNINGS OF THE INMATE, THE DIRECTOR MAY**
2 **DEDUCT:**

3 **(I) THE AMOUNT DETERMINED TO BE THE COST TO THE**
4 **COUNTY OF PROVIDING FOOD, LODGING, AND CLOTHING FOR THE INMATE;**

5 **(II) ACTUAL AND NECESSARY FOOD, TRAVEL, AND OTHER**
6 **EXPENSES INCIDENTAL TO THE INMATE’S PARTICIPATION IN THE PROGRAM;**

7 **(III) AN AMOUNT THE INMATE IS LEGALLY OBLIGATED OR**
8 **DESIRES TO PAY FOR THE SUPPORT OF A DEPENDENT;**

9 **(IV) IF APPLICABLE, A REASONABLE AMOUNT TO REPAY THE**
10 **STATE OR THE COUNTY FOR AN ATTORNEY APPOINTED BY THE COURT; AND**

11 **(V) COURT-ORDERED PAYMENTS FOR RESTITUTION.**

12 **(3) THE DIRECTOR OF THE FACILITY SHALL:**

13 **(I) CREDIT TO THE INMATE’S ACCOUNT ANY REMAINING**
14 **BALANCE; AND**

15 **(II) DISPOSE OF THE BALANCE IN THE INMATE’S ACCOUNT AS**
16 **THE INMATE REQUESTS AND THE DIRECTOR APPROVES.**

17 **(E) IF AN INMATE VIOLATES A TRUST OR A CONDITION THAT THE**
18 **GOVERNING BODY ESTABLISHES FOR CONDUCT OR EMPLOYMENT, THE INMATE IS**
19 **SUBJECT TO:**

20 **(1) REMOVAL FROM THE PRERELEASE PROGRAM; AND**

21 **(2) CANCELLATION OF ANY EARNED DIMINUTION OF THE INMATE’S**
22 **TERM OF CONFINEMENT.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2020.