

**MEMORANDUM**

July 20, 2006

TO: County Council

FROM: *MF* Michael Faden, Senior Legislative Attorney  
*AW* Amanda White, Council Legal Analyst

SUBJECT: **Introduction:** Bill 34-06, Work Release/Pre-Release Programs - Amendments

Bill 34-06, Work Release/Pre-Release Programs - Amendments, sponsored by the Council President at the request of the County Executive, is scheduled to be introduced on July 25, 2006. A public hearing is tentatively scheduled for September 19 at 1:30 p.m. During its meeting on July 17, the Public Safety Committee (Councilmember Subin was absent) reviewed and supported a tentative schedule that would result in Council action on this legislation in October.

Bill 34-06 amends the County's work release/pre-release programs to formalize the Department of Correction and Rehabilitation's home confinement and electronic monitoring program, increase the maximum length of community incarceration, and generally amend the law governing work release and pre-release programs.

This packet contains:

Bill 34-06

Legislative Request Report

Circle #

1

22

Bill No. 34-06  
Concerning: Work Release/ Pre-  
Release Programs – Amendments  
Revised: 07/17/2006 Draft No. 4  
Introduced: 7/25/2006  
Expires: 1/25/2008  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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**AN ACT** to:

- (1) formalize the Department of Correction and Rehabilitation's home confinement and electronic monitoring program;
- (2) increase the maximum length of community incarceration; and
- (3) generally amend the law governing work release and pre-release programs.

By amending:

Montgomery County Code  
Chapter 13, Detention Centers and Rehabilitation Facilities  
Sections 13-11 through 13-23

**Boldface**

*Heading or defined term.*

Underlining

*Added to existing law by original bill.*

[Single boldface brackets]

*Deleted from existing law by original bill.*

Double underlining

*Added by amendment.*

[[Double boldface brackets]]

*Deleted from existing law or the bill by amendment.*

\* \* \*

*Existing law unaffected by bill.*

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Sections 13-11 through 13-23 are amended as follows:**

2  
3           **13-11. Established.**

4           [There is hereby established by the county council pursuant to article 27,  
5 section 645T] The Department of Correction and Rehabilitation must operate a work  
6 release/pre-release program as authorized by Section 11-717 of the Correctional  
7 Services Article of the [Annotated] Maryland Code [of Maryland, a work release/pre-  
8 release program under which selected individuals]. In this program, an inmate  
9 detained or sentenced to the [county department of correction and rehabilitation]  
10 Department of Correction and Rehabilitation, Maryland Department of Public Safety  
11 and Correctional Services, or Federal Bureau of Prisons may be [granted the  
12 privilege] allowed to leave the [pre-release facility during necessary and reasonable  
13 hours for the purpose of seeking or working] Pre-Release Center as approved by the  
14 Program Administrator to seek or work at gainful employment or [attending] attend a  
15 training program[, and]. The inmate may also participate in other rehabilitation  
16 activities, including [but not limited to]:

17           (a) intensive counseling[,];

18           (b) academic education[,];

19           (c) home visitation[,];

20           (d) transitional phased release, [programs, as well as] including non-  
21 residential services; and

22           (e) maximum use of other community resources or other similar  
23 rehabilitative activities as approved by the [program administrator]  
24 Program Administrator.

25           Whenever the [prisoner] inmate is not employed or otherwise participating in  
26 the [work release/pre-release program, he or she shall] Program, the inmate must be  
27 confined in the [pre-release center] Pre-Release Center. However, an inmate who

28 participates in non-residential transitional phased release must live in a private  
 29 dwelling approved by the Program Administrator, under the supervision of Division  
 30 staff, and must be monitored electronically.

31 **13-12. Purpose.**

32 The purpose of the [work release/pre-release program] Program is to [provide  
 33 opportunity to inmates for] increase community safety and reduce crime by providing  
 34 inmates with an opportunity to:

- 35 (a) [Continuing] participate in employment, education, or training[.];
- 36 (b) [Continuing contribution] contribute to family support[.];
- 37 (c) [Accumulating] accumulate savings for use upon release, making  
 38 restitution, or payment of legitimate debts[.];
- 39 (d) [Participating] participate in the [program's] Program's counseling  
 40 services, social awareness, and educational programs[.];
- 41 (e) [Participating] participate in other community services and activities,  
 42 such as:
- 43 (i) a specialized alcohol treatment [services,] service;
- 44 (ii) a drug rehabilitation [programs,] program;
- 45 (iii) private psychotherapy[.];
- 46 (iv) a community adult education [programs,] program;
- 47 (v) a college [courses] course; and
- 48 (vi) a supervised community recreational [events.] event;
- 49 (f) [Continuing and acquiring] acquire self-respect that flows from self-  
 50 support and personal accomplishment[.];
- 51 (g) [Participating] participate in a transitional phased release experience  
 52 [leading] intended to lead to increased personal responsibility[.];

- 53 (h) [Giving the authorities the means of] provide federal and state officials
- 54 with information to assist in determining the inmate's suitability for
- 55 parole[.];
- 56 (i) [Reducing the risks and fears of the prisoner and society during the
- 57 difficult period of adjustment immediately after confinement.]
- 58 [(j)] [Obtaining] obtain suitable housing [prior to] before release[.]; and
- 59 [(k)] Providing services to offenders which will decrease the probability of
- 60 continued crime after discharge to the community.]
- 61 [(l)] (j) [Remaining or becoming] become a contributing member of society.

62 **13-13. Definitions.**

63 [For the purpose of] Unless the context indicates otherwise, in this [article]

64 Article, the following words and phrases [shall] have the following meanings

65 [respectively ascribed to them by this section]:

66 Department: The Department of Correction and Rehabilitation.

67 Director: The [director] Director of the [department of correction and

68 rehabilitation] Department of Correction and Rehabilitation, or the Director's

69 designee.

70 Division: The Pre-Release and Reentry Services Division of the Department

71 of Correction and Rehabilitation, which includes the Pre-Release Center facility and

72 Home Confinement services.

73 Home Confinement services: A non-residential service in the work release/pre-

74 release program designed to provide a transition from custody to release from

75 custody. In this program, an inmate:

- 76 (a) lives in a private dwelling approved by the Program Administrator;
- 77 (b) is supervised by an electronic monitoring device and Division staff;
- 78 (c) is employed or attends school; and
- 79 (d) has family or sponsor involvement in home-based counseling.

80 Inmate: A person in the custody of the Department of Correction and  
 81 Rehabilitation, Maryland Department of Public Safety and Correctional Services, or  
 82 Federal Bureau of Prisons.

83 [*Pre-release center*] Pre-Release Center: A County-operated facility [operated  
 84 through the county government for the purpose of implementing] used to implement  
 85 the work release/pre-release program.

86 Program [administrator] Administrator: [The deputy director (pre-release) of  
 87 the department of correction and rehabilitation.] The Chief of the Pre-Release and  
 88 Reentry Services Division, or the Chief's designee.

89 [*Releasee: A prisoner in the custody of the county department of correction*  
 90 *and rehabilitation participating in the work release/pre-release program.]*

91 Work release/pre-release program or Program: [The work release/pre-release  
 92 program is a program for] A pre-release treatment and reentry program [for selected  
 93 prisoners designed] intended to equip [them] selected inmates to function  
 94 successfully upon [their return to the community] release from custody. [This  
 95 program enables participants to leave confinement daily for employment, training  
 96 and rehabilitation activities including but not limited to intensive counseling,  
 97 academic education, home visitation, transitional phased release programs and use of  
 98 other community resources and rehabilitative activities as approved by the program  
 99 administrator.] The Program offers residential and non-residential reentry services.

#### 100 **13-14. Eligibility.**

101 [Eligibility for participation in the work release/pre-release program will be  
 102 based upon the standards listed below as evaluated by the program administrator]  
 103 The Program Administrator must evaluate an inmate's eligibility to participate in the  
 104 Program based on the following standards.

- 105 (a) The [applicant] inmate must voluntarily [submit a written application on  
106 forms provided by the department of correction and rehabilitation]  
107 apply to the Program.
- 108 (b) The [applicant] inmate must be within [~~six (6)~~] 12 months [or less] from  
109 release or a parole hearing.
- 110 [(c) The applicant must be physically capable of performing the proposed  
111 assignments. Candidates will receive a physical examination by the  
112 department's physician who will make a recommendation for  
113 limitations of employment or involvement in the program when medical  
114 problems exist. In the case of state or federal institution inmates,  
115 medical records from those facilities may be used for the purpose of  
116 screening; however, the department physical exam will be accomplished  
117 when the individual enters the work release/pre-release program.]
- 118 [(d) The applicant must be psychologically capable of performing in the  
119 work release/pre-release program. Applicants will receive  
120 psychological screening by the department psychologist who will make  
121 recommendations for limitations of employment or involvement in the  
122 program when psychological problems exist. Psychological evaluations  
123 from state and federal psychologists or psychiatrists may be substituted  
124 when the applicant is from a state or federal institution. In case when  
125 the committing court recommends transfer to the Pre-Release Center  
126 and the Pre-Release Center staff screener finds no obvious  
127 psychological complications, the department psychological screening  
128 may be temporarily waived by the program administrator; however, this  
129 psychological screening must be accomplished within five (5) working  
130 days after the individual's arrival at the Pre-Release Center]

- 131 [(e) An applicant who is found to be or becomes an elopement or escape risk  
 132 will be excluded from the program.]
- 133 (c) The inmate must be physically and mentally capable of performing the  
 134 proposed assignments.
- 135 (d) An inmate who is an escape risk, as determined by the Program  
 136 Administrator, is not eligible to participate in the Program.
- 137 [(f)] (e) An [applicant] inmate who has a pending serious [court charges]  
 138 criminal charge [(without personal bond)] or a detainer for a serious  
 139 [charges] criminal charge from another jurisdiction [will be excluded  
 140 from the program] is not eligible to participate in the Program. [This  
 141 detainer standard may be waived if the judge or state's attorney of the  
 142 jurisdiction which issued the detainer indicates in writing no objections  
 143 to the defendant participating in the county work release/pre-release  
 144 program.]
- 145 [(g) An applicant who has, within the past two (2) years, had another work  
 146 release/pre-release program revoked will be excluded from the program;  
 147 however]
- 148 (f) An inmate who has been removed from the Program within the previous  
 149 24 months is not eligible to participate in the Program. However, the  
 150 [program administrator] Program Administrator may waive this  
 151 standard for eligibility [in those cases when] if:
- 152 (i) the purpose and effective operation of the [program] Program  
 153 will not be jeopardized; and
- 154 (ii) [where] the best interest of the [applicant] inmate, the inmate's  
 155 family [(if any)], and the [community] public will be served.
- 156 [(h)] (g) [When the indicated] If an inmate's proposed employment involves  
 157 handling [alcoholic beverages, drugs, narcotics, firearms, ammunition

158 of explosives which, in the opinion of the program administrator,  
 159 would] any alcoholic beverage, drug, narcotic, firearm, ammunition,  
 160 or explosive, the Program Administrator may exclude the inmate from  
 161 participating in the Program if the Program Administrator decides that  
 162 the employment is likely to jeopardize the [applicant's] inmate's  
 163 safety or the safety of others], the applicant may be excluded from the  
 164 program].

165 (h) Division staff must evaluate and screen an inmate based on the criteria  
 166 identified in Section 13-15. Information obtained during the  
 167 screening process is confidential.

168 **13-15. Selection and assignment procedure.**

169 (a) [Upon receipt of the] After receiving an application, the [program  
 170 administrator or designee shall] Program Administrator must investigate  
 171 and evaluate the [applicant] inmate and, based on a structured selection  
 172 process, determine whether the [applicant] inmate meets the standards  
 173 of eligibility [as defined] in [section] Section 13-14.

174 (b) [An applicant demonstrating a family or financial need or other  
 175 circumstances warranting participation in the program may be given  
 176 priority in selection and assignment] The Program Administrator may  
 177 give priority in selection and assignment to an inmate who demonstrates  
 178 a family or financial need or other circumstances warranting  
 179 participation in the Program.

180 (c) [An applicant who is a resident of the county may be given priority  
 181 over nonresidents] The Program Administrator may give priority to  
 182 an inmate who is a County resident over a nonresident.

183 (d) The [program administrator will] Program Administrator must  
 184 develop a standardized method of screening individuals for the [work

185 release/pre-release program] Program. [A suitability selection  
 186 procedure shall include such items as] The Program Administrator  
 187 may consider the following factors:

- 188 (i) the intent of the committing court[,];
- 189 (ii) time in confinement[,];
- 190 (iii) [instant] the offense for which the inmate was convicted[,];
- 191 (iv) the inmate's past criminal and institutional history[,];
- 192 (v) availability of work and transportation[,];
- 193 (vi) [needs of others in the] community needs (such as those of a  
 194 family member[, employers, etc.,] or employer);
- 195 (vii) the inmate's history of alcohol or drug abuse[,];
- 196 (viii) the inmate's current institutional performance and adjustment  
 197 (if applicable)[,];
- 198 (ix) the inmate's need for treatment [factors,];
- 199 (x) an evaluation of the [individual's] inmate's maturity, attitude,  
 200 trust, and [the] motivation to become involved in [the program]  
 201 Program opportunities[, as well as]; and
- 202 (xi) [other items deemed appropriate by the program administrator]  
 203 any other item the Program Administrator finds appropriate.

204 (e) Based on this standardized selection process and standards of  
 205 eligibility, the [program administrator will] Program Administrator  
 206 must [make recommendations] recommend to the appropriate court or  
 207 correctional authority [for] placement of [prisoners into the work  
 208 release/pre-release program] an inmate in the Program. The Program  
 209 Administrator has full discretion to recommend or decline to  
 210 recommend an inmate. No inmate has a right to participate in the  
 211 Program or in any specific component of the Program.

- 212 (f) [Upon receipt of] After receiving a report from the [program  
213 administrator] Program Administrator, the court or [the] correctional  
214 authority having jurisdiction may approve or disapprove the [program  
215 administrator's recommendations] Program Administrator's  
216 recommendation. [The decision of the court shall be stated must be in  
217 writing and returned to the program administrator within fifteen (15)  
218 working days, and the applicant shall be notified of the court's  
219 decision] After receiving the court's decision, Division staff must  
220 notify the inmate of the decision.
- 221 (g) An [applicant will] inmate must not be placed in the [program]  
222 Program unless the [program administrator] Program Administrator  
223 [has determined] finds that:
- 224 (1) [The applicant] the inmate meets the eligibility standards of the  
225 [program] Program and is suitable for the [program.] Program;  
226 and
- 227 (2) [There is] adequate staff and facilities are available to manage the  
228 [program] Program and supervise the [applicant] inmate.
- 229 (h) [Disapproval of an application shall not prevent a prisoner from  
230 submitting a new application, but such application may not be filed  
231 before sixty (60) days have elapsed since disapproval of the previous  
232 application.] If an inmate's application is disapproved, the inmate is not  
233 eligible to submit another application to the Program for 60 days after  
234 the disapproval.

235 **13-16. [Rules and regulations] Program rules.**

236 [Participation in the work release/pre-release program is conditioned on  
237 compliance with the following rules and regulations. The releasee shall agree in

238 writing to] Each participant must comply with, and agree in writing to, the following  
239 rules. Each participant must:

- 240 (a) [Comply] comply with all terms, conditions, and guidelines [as  
241 stipulated] listed in the [center “guidebook” of the work release/pre-  
242 release program.] Program Guidebook; and
- 243 (b) [Work industriously at his or her employment, training or educational  
244 program. The releasee shall go to and from its location by a direct route  
245 in the least amount of time. After each day’s approved activities, the  
246 releasee will return to the pre-release center. If any situation occurs that  
247 prevents the releasee from returning to the pre-release center at the  
248 prescribed time, he or she will immediately call the center for  
249 instructions. The releasee will not be absent from the approved day’s  
250 activities without the approval of a center staff member.
- 251 (c) Obtain the approval of the center staff prior to attempting to change  
252 employment.
- 253 (d) Provide the necessary materials, clothing, and equipment, other than  
254 those supplied by the employer, essential to his or her employment.
- 255 (e) Provide his or her own transportation to or from work in a manner  
256 approved by the program administrator. Prior to operating a motor  
257 vehicle, the releasee must have a valid driver’s license, automobile  
258 registration, proper insurance coverage as required by state law, and  
259 obtain approval of the program administrator.
- 260 (f) Deposit with the program administrator all of his or her earnings less  
261 payroll deductions required by law.
- 262 (g) Be prohibited from entering into any contract or engage in business,  
263 borrow money, purchase property, incur debts, or open banking or

- 264 charge accounts unless he or she has obtained the prior approval of the  
265 program administrator.
- 266 (h) Leave the pre-release center premises only with prior authorization from  
267 center staff and to comply with instructions of center staff.
- 268 (i) Conduct himself or herself with propriety during release from  
269 confinement, obeying all laws and regulations.
- 270 (j) Respond helpfully and courteously when questioned by law  
271 enforcement officers or other public authorities; provided, that nothing  
272 herein shall deprive any person of his constitutional rights. All such  
273 instances of questioning shall be promptly reported by the releasee to  
274 the program administrator.
- 275 (k) Not use, possess or introduce into the pre-release center weapons,  
276 alcoholic beverages, narcotics or drugs except pursuant to doctor's  
277 orders.
- 278 (l) Resolve the problems a releasee confronts in nonviolent, respectful  
279 ways and will not verbally or physically abuse another person.
- 280 (m) Submit to urinalysis and alcohol tests when requested by center staff.
- 281 (n) Participate in the center's social awareness program, in counseling  
282 activities, in prescribed treatment services and in other activities he or  
283 she agrees to in writing.
- 284 (o) Spend approved home visits at pre-arranged activities with family or  
285 friends as approved by the program administrator and conduct himself  
286 or herself properly, obeying all laws as well as rules of the program  
287 during release to the community.]
- 288 [(p) His or her understanding that his or her] acknowledge that the inmate's  
289 failure to comply with the terms of [this authorization for release under

290 this law shall subject him or her] the Program may subject the inmate to  
 291 [the] criminal penalties provided by state or federal law.

292 **13-17. [Probationary period] Administrative review and removal actions.**

293 (a) Participation in the [work release/pre-release program] Program is a  
 294 privilege. [The first 40 days of a releasee's participation in the program  
 295 is a probationary period. During the probationary period, the program  
 296 administrator] The Program Administrator may[, at the administrator's  
 297 discretion,] reclassify the [releasee] inmate from the [program] Program  
 298 and transfer the [releasee] inmate to secure confinement if the [releasee]  
 299 inmate:

- 300 (1) does not satisfactorily complete a [behavior] behavioral contract;  
 301 (2) does not take advantage of treatment opportunities available to  
 302 [program participants] a Program participant;  
 303 (3) does not [become involved] participate in [specific program  
 304 activities required of the participant] required Program activities;  
 305 or  
 306 (4) is otherwise unable to adjust to the [pre-release center] work  
 307 release/pre-release environment.

308 [(b) The program administrator may, at the administrator's discretion,  
 309 reclassify a releasee from the program and transfer the releasee to secure  
 310 confinement if the releasee:]

- 311 [(1)] (5) is charged with another crime;  
 312 [(2)] (6) receives a detainer [for a serious crime] from another  
 313 jurisdiction;  
 314 [(3)] (7) asks to be transferred from the [program] Program; or  
 315 [(4)] (8) is physically or mentally unable to work or participate in  
 316 [program] Program activities for an extended period of time]; or

317 (5) is psychologically unable to perform effectively in the program].

318 [If a releasee is transferred from the program under paragraph 4 or 5,  
319 with 14 days after the transfer a physician must confirm the medical  
320 condition, or a psychologist or psychiatrist must confirm the  
321 psychological condition, which led to the releasee's transfer.]

322 [(c) The program administrator may, at the administrator's discretion,  
323 reclassify a releasee from the program and transfer the releasee to secure  
324 confinement if the releasee:]

325 [(1)] (9) receives a pattern of poor behavioral ratings by [the unit  
326 treatment team] Program staff; or

327 [(2)] (10) demonstrates a lack of motivation or commitment to the  
328 [program] Program by failing to adequately perform the  
329 [releasee's program] inmate's Program contract.

330 [(d)] (b) If [a releasee] an inmate is transferred from the [program] Program  
331 under this section, the [program administrator] Program Administrator  
332 must notify the court in writing of the circumstances of the removal.

333 [(e) If a releasee is transferred from the program under subsections (b) or  
334 (c), the releasee may reapply to the program after 60 days under  
335 sections 13-14 and 13-15.]

336 (c) If an inmate is transferred from the Program under subsection (a), the  
337 inmate is not eligible to reapply to the Program for 60 days after the  
338 inmate's transfer, as provided in Sections 13-14 and 13-15.

339 **13-18. Disciplinary and revocation measures.**

340 (a) [The center] Division staff may use counseling when appropriate for  
341 improper conduct.

342 (b) The [program administrator] Program Administrator may:

343 (1) restrict or remove privileges [of the pre-release center], including  
 344 adjusting good conduct time, in the Pre-Release Center for not  
 345 more than [thirty (30)] 30 days for any breach of discipline[,  
 346 infraction of the center] or violation of Division rules [and  
 347 regulations, violation of trust or any other breach of conduct of  
 348 the program.]; or

349 [(c) The program administrator may] (2) suspend the [releasee]  
 350 inmate from the [pre-release center] Pre-Release Center for not  
 351 more than [fourteen (14)] 14 successive days for any breach of  
 352 discipline[, infraction of the] or violation of Division rules [and  
 353 regulations, violation of trust, or any breach of the standards of  
 354 conduct of the program.]

355 (3) if an inmate is participating in Home Confinement services, place  
 356 the inmate at the Pre-Release Center, restrict or remove  
 357 privileges, including adjusting good conduct time, or return the  
 358 inmate to the appropriate security facility.

359 [(d)] (c) [The program administrator may, for a serious violation of a rule or  
 360 regulation (as provided in section 13-16) or for unsatisfactory  
 361 performance on the program, immediately remove a releasee from the  
 362 pre-release center return the individual to the appropriate security  
 363 facility and revoke the releasee from the work release/pre-release  
 364 program.] If an inmate commits a serious violation of a rule or  
 365 regulation identified in the Program Guidebook or Section 13-16, or  
 366 performs unsatisfactorily in the Program, the Program Administrator  
 367 may immediately remove the inmate from the Pre-Release Center or  
 368 return the inmate to the appropriate security facility. The [program  
 369 administrator shall] Program Administrator must forward a full report to

370 the court stating the circumstances and reasons for revocation. The  
371 judge of the committing court may, on the basis of the revocation  
372 action, redesignate the [Maryland Division of Correction] State  
373 Department of Public Safety and Correctional Services as the agency of  
374 custody for the remaining term of the inmate's confinement [as  
375 provided in article 27, section 645T(a),] under Section 11-717 of the  
376 Correctional Services Article of the [Annotated] Maryland Code [of  
377 Maryland, as amended].

378 [(e) Shall any intake information or statement by the releasee, upon which  
379 the releasee's original application, screening, and selection for the  
380 program was based, subsequently be proved to be false, the releasee's  
381 participation in the program may be revoked by the program  
382 administrator. In case of revocation, the releasee is removed from the  
383 program and may reapply after sixty (60) days in accordance with  
384 sections 13-14 and 13-15 unless the place of custody has been  
385 redesignated to the Maryland Division of Correction.]

386 (d) The Program Administrator may revoke an inmate's participation in the  
387 Program if the inmate makes a false statement on the application or  
388 during the screening process. If the Program Administrator revokes an  
389 inmate's participation in the Program, the inmate must be removed from  
390 the Program and is not eligible to reapply to the Program for 60 days, as  
391 provided in Sections 13-14 and 13-15. An inmate in the custody of the  
392 State Department of Public Safety and Correctional Services or Federal  
393 Bureau of Prisons is subject to any time limit in the applicable state or  
394 federal law.

395 **13-19. Disposition of [release] inmate funds and earnings.**

- 396 (a) The [director or designee is authorized to] Director may establish and  
397 maintain inmate personnel and financial records and [to] require written  
398 reports from the [releasee] inmate as necessary to administer the  
399 [program] Program.
- 400 (b) The [director or designee] Director is authorized to receive, deposit, and  
401 disburse the funds and earnings of each [releasee] inmate in accordance  
402 with regulations established by the [director] Director.
- 403 (c) The [director or designee] Director may deduct the following from [the]  
404 an inmate's earnings [of the releasee]:
- 405 (1) [A charge determined by the director as a contribution to] all or  
406 part of the cost to the [county of providing] County to provide an  
407 inmate with food, [and] lodging, and clothing[.];
- 408 (2) [Actual] actual and necessary food, travel, and other expenses  
409 incidental to [his or her] the inmate's participation in the  
410 [program.] Program;
- 411 (3) [Any amount which the releasee may be legally obligated to or  
412 desirous of paying for the support of his dependents.] any amount  
413 the inmate is legally obligated or desires to pay to support a  
414 dependent;
- 415 (4) a reasonable amount to repay the State or County for an attorney  
416 appointed by the court, if applicable; and
- 417 (5) a court-ordered payment for restitution.
- 418 (d) [The director or designee shall credit the remaining balance to the work  
419 releasee's account, to be disposed of as requested by the releasee and  
420 approved by the director or his designee.] The Director must apply any  
421 remaining balance, less deductions identified in subsection (c), to the

422 work inmate's account and must dispose of the funds as the inmate  
 423 requests and the Director approves.

424 (e) [Accountability for releasee] Inmate funds [shall be in the manner] must  
 425 be accounted for as prescribed [or approved] by the [director of the  
 426 department of finance] Director of the Department of Finance. [A  
 427 yearly audit of work releasee funds shall be made by the finance  
 428 department and a written report shall be made to the director of the  
 429 department of correction and rehabilitation.] The Department of  
 430 Finance must conduct a yearly audit of work inmate funds and submit a  
 431 written report to the Director of the Department of Correction and  
 432 Rehabilitation.

433 (f) The Director must set, by method (3) regulation, a reasonable fee for the  
 434 cost of electronic and staff supervision. The Director may collect the  
 435 fee from participants in the non-residential component of the Program.  
 436 If the Director finds that a participant cannot afford to pay the fee, the  
 437 Director may wholly or partially exempt the inmate from paying the fee.

438 **13-20. Graduated release.**

439 The [director is authorized and directed to] Director must cooperate with [the]  
 440 federal, state, or other [county] County correctional officials to develop a system of  
 441 graduated release for [county] County residents who are within [six (6)] 12 months of  
 442 release or a parole hearing date and who are returning to the [county] County after  
 443 [having served] serving a period of their confinement in a correctional institution.  
 444 After approval by an appropriate court or other agency having jurisdiction, the  
 445 [director or his or her designee] Director may place [such prisoners on] a qualified  
 446 inmate in the [work release/pre-release program] Program; however, [prisoners] any  
 447 inmate transferred from [other correctional agencies to the county department of  
 448 correction and rehabilitation] another correctional agency to the Department must

449 meet the eligibility standards specified in [section] Section 13-14 and [will] be  
450 subject to all rules, regulations, and guidelines of the [county work release/pre-  
451 release program as specified herein] Program. [Pursuant to article 27, section 645T]  
452 Under Section 11-717 of the Correctional Services Article of the [Annotated]  
453 Maryland Code [of Maryland, as amended,] the [director of the county department of  
454 correction and rehabilitation is authorized to] Director may negotiate [with the state  
455 division of corrections] a contract each year with the State Department of Public  
456 Safety and Correctional Services [providing] for state reimbursement on a per diem  
457 basis [for operational costs] to the [county] County for providing community  
458 correctional services to [those] state inmates [described above].

459 **13-21. Court directed early release.**

460 [Pursuant to article 27, section 645T] Under Section 11-717 of the  
461 Correctional Services Article of the [Annotated] Maryland Code [of Maryland, as  
462 amended,] after the [prisoner] inmate enters the [correctional program] Program, the  
463 judge ordering the confinement or, if [he or she] the judge is unable to act, [then] any  
464 other judge of the committing court, may order the release of the [prisoner] inmate  
465 from custody based [upon] on the [program administrator's] Program  
466 Administrator's recommendation and report of the [individual's] inmate's  
467 performance in [his correctional program] the Program.

468 **13-22. Conditional parole and probation cases.**

469 (a) In lieu of pursing a parole violation, [the] state or federal parole  
470 authorities may [desire to make, as a condition of continued parole, the  
471 stipulation that the] require a parolee to participate in the [county's work  
472 release program] Program for [the purpose of] residential treatment as a  
473 condition of continued parole. The [program administrator is authorized  
474 to] Program Administrator may screen and accept [parolees from parole  
475 authorities for the purpose of providing residential treatment services to

476 their parolees who meet the] a parolee who meets Program criteria [for  
477 the county work release/pre-release program].

478 (b) In specific cases, the federal court may [desire to make, as a condition  
479 of probation, the stipulation that the] require a probationer to participate  
480 in the [county's work release program] Program for [the purpose of]  
481 residential treatment as a condition of probation. The [program  
482 administrator is authorized to] Program Administrator may screen and  
483 accept [probationers from appropriate federal authorities for providing  
484 residential treatment services to their probationers] a probationer who  
485 meets Program criteria.

486 (c) The [program administrator will insure] Program Administrator must  
487 take appropriate steps to determine that the parolee and/or probationer is  
488 a resident of the Washington Metropolitan Area and meets the eligibility  
489 criteria [as defined in section] in Section 13-14 [of this chapter and  
490 insure that the parolee and/or probationer is a resident of the county].  
491 The [length of the] parolee's or probationer's participation in the  
492 [program will] Program must not exceed [six (6)] 12 months. The  
493 parolee or probationer [will] must be subject to the rules[, regulations]  
494 and guidelines of the [pre-release center] Pre-Release Center. If the  
495 [program administrator determines] Program Administrator finds that  
496 the parolee or probationer should be withdrawn from the [pre-release  
497 center] Pre-Release Center because of [his or her] improper conduct or  
498 other appropriate reasons, the [program administrator will] Program  
499 Administrator must release the parolee or probationer to the parole or  
500 probation agent and provide the agent a report of the individual's  
501 performance and conduct while at the [center] Pre-Release Center.

502 (d) The [county is authorized to] County may negotiate a contract each year  
503 with federal and state adult parole and probation authorities [providing]  
504 for reimbursement on a per diem basis [for operational costs] to the  
505 [county] County for providing community correctional services to  
506 [those parolees and probationers described above] a parolee or  
507 probationer.

### 508 **13-23. Confidentiality**

509 [The program administrator or staff designee may release personal information  
510 on a releasee as may be required on a “need to know basis” to essential community  
511 resources and volunteer staff for the purposes of obtaining employment, training,  
512 education and treatment services for the releasee, and to individuals agreeing to  
513 sponsor the releasee in the individual’s home for authorized furloughs. Releasee will  
514 agree in writing to waive the right of confidentiality for the purposes indicated.] An  
515 inmate who participates in the Program must agree in writing to waive any right of  
516 confidentiality and authorize the Program Administrator to release relevant personal  
517 information, except for psychological information:

- 518 (a) to essential community resources and volunteer staff to obtain  
519 employment, training, education, and treatment; or
- 520 (b) to an individual who agrees to sponsor the inmate in the individual’s  
521 home for home confinement, an authorized visit, or a furlough.

# LEGISLATIVE REQUEST REPORT

## Bill 34-06, Work Release/Pre-release Programs - Amendments

- DESCRIPTION:** These amendments incorporate and formalize the home confinement/electronic monitoring program and increase the maximum length of community incarceration from 6 months to 12 months.
- PROBLEM:** While the operation of a Work Release and/or Pre-Release Program includes phased transition to home confinement or community incarceration in accordance with Section 11-717 of the Correctional Services Article of the Annotated Code of Maryland, the home confinement component of the Montgomery County Work Release/Pre-Release Program has not been codified.
- GOALS AND OBJECTIVES:** The purpose of increasing the maximum stay in community corrections is to create enhanced, individualized reentry opportunities for offenders, and of reduce the use of costly bed space in secure facilities.
- COORDINATION:** Department of Correction & Rehabilitation
- FISCAL IMPACT:** To be requested.
- ECONOMIC IMPACT:** All offenders supervised through the home confinement/electronic monitoring program are living in the community, employed, paying taxes and involved with their families. Their contribution, tangible and intangible, to the community is immeasurably more than that of offenders housed in secure facilities. The Pre-Release Center represents an intermediate step for the offender between secure incarceration and living in the community. Increasing the length of stay in these reentry programs has a direct and positive relationship to stable and positive reintegration into the community.
- EVALUATION:** The Director of Department of Correction and Rehabilitation will be subject to the oversight of the County Executive and the County Council.
- EXPERIENCE ELSEWHERE:** To be researched.
- SOURCE OF INFORMATION:** Arthur Wallenstein, Department of Correction and Rehabilitation, (240) 777-9978
- APPLICATION WITHIN MUNICIPALITIES:** To be researched.
- PENALTIES:** To be researched.