

HOUSE BILL 859

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3lr2001
CF SB 853

By: ~~Delegate Smith~~ **Delegates Smith, Conaway, and Young**

Introduced and read first time: February 9, 2023

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2023

CHAPTER _____

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; making it a misdemeanor
9 for a person monitored by a home detention monitoring agency to violate a condition
10 of pretrial release under certain circumstances; establishing the Workgroup on
11 Home Detention Monitoring; and generally relating to private home detention
12 monitoring.

13 BY repealing and reenacting, with amendments,
14 Article – Business Occupations and Professions
15 Section 20–401
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2022 Supplement)

18 BY adding to
19 Article – Criminal Procedure
20 Section 5–213.2
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

Article – Business Occupations and Professions

20–401.

(a) A private home detention monitoring agency shall:

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

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

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

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

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

1. THE DESIGNATED LAW ENFORCEMENT AGENCY IN BALTIMORE CITY OR THE COUNTY WHERE THE COURT IS LOCATED; AND

2. THE COURT IMMEDIATELY ON THE COURT OPENING FOR BUSINESS.

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

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

1 Article – Criminal Procedure

2 5-213.2.

3 (A) A PERSON MONITORED BY A HOME DETENTION MONITORING AGENCY
4 MAY NOT VIOLATE A CONDITION OF PRETRIAL RELEASE IF THE PERSON IS CHARGED
5 WITH COMMITTING:

6 (1) A CRIME OF VIOLENCE, AS DEFINED IN § 5-101 OF THE PUBLIC
7 SAFETY ARTICLE;

8 (2) A CRIME INVOLVING A FIREARM, AN ANTIQUE FIREARM, A
9 REGULATED FIREARM, OR A HANDGUN, AS DEFINED IN § 5-101 OF THE PUBLIC
10 SAFETY ARTICLE;

11 (3) A CRIME AGAINST A VICTIM WHO IS A PERSON ELIGIBLE FOR
12 RELIEF UNDER § 4-501 OF THE FAMILY LAW ARTICLE; OR

13 (4) A VIOLATION OF § 3-802 OF THE CRIMINAL LAW ARTICLE.

14 (B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY
15 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
16 EXCEEDING 90 DAYS.

17 SECTION 2. AND BE IT FURTHER ENACTED, That:

18 (a) There is a Workgroup on Home Detention Monitoring.

19 (b) The Workgroup consists of the following members:

20 (1) three members of the Senate of Maryland, appointed by the President
21 of the Senate;

22 (2) three members of the House of Delegates, appointed by the Speaker of
23 the House;

24 (3) the Secretary of Public Safety and Correctional Services, or the
25 Secretary's designee;

26 (4) the Public Defender of Maryland, or the Public Defender's designee;

27 (5) one representative of the Judiciary;

28 (6) the President of the Maryland State's Attorneys' Association, or the
29 President's designee; and

1 (7) the following members, appointed by the Governor:

2 (i) one representative of the Job Opportunities Task Force;

3 (ii) one representative of the Maryland Chiefs of Police Association;

4 (iii) one representative of the Maryland Sheriffs' Association;

5 (iv) one representative of a large local detention center;

6 (v) one representative of a small local detention center;

7 (vi) one representative of a county pretrial release program that does
8 not charge a fee to participants;

9 (vii) one representative of a county pretrial release program that
10 charges a fee to participants; and

11 (viii) one representative of a private home detention monitoring
12 agency as a nonvoting member.

13 (c) The President of the Senate and the Speaker of the House shall select two
14 cochairs from among the members of the Workgroup.

15 (d) The Department of Public Safety and Correctional Services shall provide staff
16 for the Workgroup.

17 (e) A member of the Workgroup:

18 (1) may not receive compensation as a member of the Workgroup; but

19 (2) is entitled to reimbursement for expenses under the Standard State
20 Travel Regulations, as provided in the State budget.

21 (f) The Workgroup shall:

22 (1) study the licensing, regulation, oversight, notification, and enforcement
23 processes for home monitoring in the State; and

24 (2) make recommendations for a cost-effective and streamlined process for
25 home monitoring in the State.

26 (g) On or before December 31, 2024, the Workgroup shall report its findings and
27 recommendations to the Governor and, in accordance with § 2-1257 of the State
28 Government Article, the General Assembly.

1 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2023. Section 2 of this Act shall remain effective for a period of 2 years and, at
3 the end of September 30, 2025, Section 2 of this Act, with no further action required by the
4 General Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.