

# HOUSE BILL 1368

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By: **Delegates Corderman, Cox, Hornberger, Jalisi, McComas, McKay, and Wivell**  
Introduced and read first time: February 7, 2020  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Home County Correctional Facility Program**

3 FOR the purpose of requiring the Commissioner of Correction to establish an inmate  
4 relocation program in which a certain inmate may request to relocate to a certain  
5 correctional facility; providing the conditions for an inmate's participation in the  
6 relocation program; requiring the Commissioner to make a certain determination;  
7 requiring an inmate determined to be eligible to participate in the relocation  
8 program to be relocated at a certain time; authorizing an inmate to be returned to a  
9 State correctional facility under certain circumstances; authorizing the award of  
10 certain diminution credit to reduce the term of confinement of an inmate if the  
11 inmate participates in the relocation program; establishing the amount of the  
12 diminution credit that may be awarded under certain circumstances; requiring the  
13 Commissioner to adopt certain regulations; requiring the Commissioner to report to  
14 the House Appropriations Committee on or before a certain date each year with  
15 certain information; authorizing the managing official of a local correctional facility  
16 to revoke certain diminution credits under certain circumstances; defining a certain  
17 term; and generally relating to an inmate relocation program and diminution credits.

18 BY adding to

19 Article – Correctional Services  
20 Section 3–707.1  
21 Annotated Code of Maryland  
22 (2017 Replacement Volume and 2019 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Correctional Services  
25 Section 11–507  
26 Annotated Code of Maryland  
27 (2017 Replacement Volume and 2019 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



That the Laws of Maryland read as follows:

**Article – Correctional Services**

**3–707.1.**

(A) IN THIS SECTION, “HOME COUNTY CORRECTIONAL FACILITY” MEANS A LOCAL CORRECTIONAL FACILITY IN THE COUNTY IN WHICH AN INMATE WAS PERMANENTLY DOMICILED BEFORE INCARCERATION IF THE INMATE WAS A RESIDENT OF THE STATE.

(B) (1) THE COMMISSIONER SHALL ESTABLISH A RELOCATION PROGRAM IN WHICH AN INMATE WITHIN THE LAST 5 YEARS OF THE INMATE’S TERM OF CONFINEMENT MAY REQUEST TO RELOCATE TO THE INMATE’S HOME COUNTY CORRECTIONAL FACILITY FOR THE PURPOSE OF PROMOTING REENTRY INTO THE COMMUNITY ON RELEASE.

(2) THE COMMISSIONER SHALL DETERMINE WHETHER AN INMATE WHO REQUESTS TO PARTICIPATE IN THE RELOCATION PROGRAM DESCRIBED IN THIS SUBSECTION IS ELIGIBLE BASED ON:

(I) AN EVALUATION OF THE INMATE THAT ASSESSES:

1. THE EXTENT TO WHICH THE INMATE WOULD BENEFIT FROM THE RELOCATION PROGRAM; AND

2. THE INMATE’S CASE RECORD UNDER § 3–601 OF THIS TITLE; AND

(II) ANY OTHER FACTORS AS DETERMINED BY THE COMMISSIONER.

(3) (I) AN INMATE DETERMINED ELIGIBLE TO PARTICIPATE IN THE RELOCATION PROGRAM BY THE COMMISSIONER SHALL BE RELOCATED TO THE INMATE’S HOME COUNTY CORRECTIONAL FACILITY AS SOON AS PRACTICABLE.

(II) AN INMATE MAY BE RETURNED TO A STATE CORRECTIONAL FACILITY IF, AFTER BEING INITIALLY RELOCATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE INMATE HAS HAD ANY PORTION OF DIMINUTION CREDITS AWARDED UNDER THIS SECTION REVOKED UNDER § 11–507 OF THIS ARTICLE.

(C) IN ADDITION TO ANY OTHER DEDUCTIONS ALLOWED UNDER THIS SUBTITLE, AN INMATE MAY BE ALLOWED A DEDUCTION OF UP TO 5 DAYS FROM THE INMATE’S TERM OF CONFINEMENT FOR EACH CALENDAR MONTH DURING WHICH

1 THE INMATE PARTICIPATES IN THE RELOCATION PROGRAM UNDER THIS SECTION.

2 (D) A DEDUCTION DESCRIBED IN SUBSECTION (C) OF THIS SECTION SHALL  
3 BE CALCULATED:

4 (1) FROM THE FIRST DAY THAT THE INMATE IS HOUSED IN THE HOME  
5 COUNTY CORRECTIONAL FACILITY DUE TO PARTICIPATION IN THE RELOCATION  
6 PROGRAM; AND

7 (2) ON A PRORATED BASIS FOR ANY PORTION OF THE CALENDAR  
8 MONTH DURING WHICH THE INMATE IS HOUSED IN THE HOME COUNTY  
9 CORRECTIONAL FACILITY DUE TO PARTICIPATION IN THE RELOCATION PROGRAM.

10 (E) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE COMMISSIONER SHALL  
11 REPORT TO THE HOUSE APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH §  
12 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE FISCAL IMPACT OF THE  
13 RELOCATION PROGRAM, INCLUDING ANY COST-SAVING BENEFIT OF AN INMATE'S  
14 RELOCATION TO A HOME COUNTY CORRECTIONAL FACILITY COMPARED TO  
15 CONTINUED HOUSING IN A STATE CORRECTIONAL FACILITY.

16 (F) THE COMMISSIONER SHALL ADOPT REGULATIONS NECESSARY TO  
17 CARRY OUT THIS SECTION.

18 11-507.

19 (a) If an inmate violates the rules of discipline of a local correctional facility, the  
20 managing official, for each violation, may revoke some or all of the diminution credits  
21 awarded under **§ 3-707.1 (HOME COUNTY RELOCATION) OF THIS ARTICLE OR § 11-503**  
22 (presentence good conduct) or § 11-504 (postsentence good conduct) of this subtitle for the  
23 month in which the violation occurs.

24 (b) In addition to the revocation authorized under subsection (a) of this section, if  
25 a violation is aggravated or the inmate commits frequent violations, the managing official  
26 may revoke some or all of the diminution credits awarded under **§ 3-707.1 OF THIS**  
27 **ARTICLE OR § 11-503** (presentence good conduct) or § 11-504 (postsentence good conduct)  
28 of this subtitle.

29 (c) This section does not affect the diminution credits awarded under §§ 11-505  
30 (industrial, agricultural, or administrative tasks) and 11-506 (special selected work  
31 projects) of this subtitle.

32 (d) A managing official may not revoke diminution credits awarded to an inmate  
33 unless the inmate is afforded due process of law before the revocation.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

1    October 1, 2020.