

(4) IS THE APPOINTING AUTHORITY FOR ALL EMPLOYEES OF THE DIVISION;

(5) SHALL ESTABLISH A HOME DETENTION PROGRAM UNDER TERMS AND CONDITIONS THAT THE SECRETARY PROVIDES;

(6) MAY ENTER AGREEMENTS WITH THE COMMISSIONER OF CORRECTION AND GOVERNMENTAL UNITS FOR THE HOUSING OF ANY INMATE HELD IN THE BALTIMORE CITY DETENTION CENTER;

(7) MAY ENTER AGREEMENTS FOR THE HOUSING OF ANY INMATE COMMITTED TO FEDERAL OR LOCAL GOVERNMENTAL UNITS IN THE BALTIMORE CITY DETENTION CENTER; AND

(8) MAY ENTER OTHER AGREEMENTS NECESSARY TO CARRY OUT THE PURPOSES OF THIS TITLE.

(D) HOME DETENTION PROGRAM.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSIONER SHALL ESTABLISH BY REGULATION THE TERMS AND CONDITIONS OF THE HOME DETENTION PROGRAM REQUIRED UNDER SUBSECTION (C)(5) OF THIS SECTION.

(2) THE AUTHORITY OF A COURT TO DETERMINE THE CONDITIONS OF PRETRIAL RELEASE OR TO FIND THAT A DEFENDANT AWAITING TRIAL MAY NOT BE PLACED ON A HOME DETENTION PROGRAM MAY NOT BE LIMITED OR SUPERSEDED BY:

(I) A REGULATION OF THE DIVISION OR DEPARTMENT; OR

(II) THE DIVISION OR THE COMMISSIONER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-1404.

Subsection (a) of this section is restated in standard language used to provide for the appointment of a commissioner. See, e.g., § 3-202 of this article.

In subsection (c)(1) of this section, the former reference to "Article 27, §§ 667 through 726" is deleted as included in the reference to "this Code".

In subsection (c)(5) of this section, the reference to terms "and conditions" is added for consistency with subsection (d)(1) of this section.

In the introductory language of subsection (d)(2) of this section, the former reference to a "judge of the circuit or district" court is deleted as implicit in the reference to "court".

Defined terms: "Commissioner" § 5-101

"Commissioner of Correction" § 1-101

"Department" § 1-101