

(I) IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000, IMPRISONMENT NOT EXCEEDING 1 YEAR, OR BOTH; AND

(II) IS SUBJECT TO OTHER DISCIPLINARY ACTION PROVIDED BY LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 645JJ, as it related to Allegany County.

In subsection (b)(2) of this section, the reference to an individual's "confinement" is substituted for the former reference to an individual's "incarceration" for consistency throughout this article. See General Revisor's Note to this article.

Also in subsection (b)(2) of this section, the reference to "allow[ing]" an individual to participate in a home detention program is substituted for the former reference to "prescrib[ing]" participation for stylistic consistency throughout this article.

Also in subsection (b)(2) of this section, the former phrase "by any court in the county" is deleted as unnecessary in light of subsection (a) of this section.

Also in subsection (b)(2) of this section, the phrase "established under this section", which formerly modified the phrase "home detention program", is deleted as implied in the reference to "home detention program".

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsection (b)(2) of this section authorizes a "sentencing judge" to allow an individual to participate in the home detention program. Subsection (b)(2) is silent as to what happens when the sentencing judge is unable to act on the matter. The General Assembly may wish to amend subsection (b)(2) to state expressly that, when the sentencing judge is unable to act, the authority to place an individual in the home detention program extends to other judges of the committing court. See, e.g., §§ 11-704(c)(1)(i), 11-706(b)(2), 11-712(c)(2)(ii), and 11-717(d)(1) and (2) and (f)(3) of this subtitle. Alternatively, the General Assembly may wish to amend subsection (b)(2) to reflect the language of Maryland Rule 4-347, which establishes procedures for hearings on alleged violations of probation. Maryland Rule 4-347 requires "[t]he court" to hold a hearing to determine whether a violation has occurred. The rule also provides that "[w]henever practicable, the hearing shall be held before the sentencing judge". See also §§ 11-708(c)(2), 11-709(b)(2)(i) and (3)(i), 11-712(d)(2) and (3)(i), 11-714(b)(1) and (3)(i) and (d)(2) and (3)(i), and 11-715(d)(1) and (g)(1)(i) of this subtitle and accompanying Revisor's Notes. If the General Assembly amends subsection (b)(2), a corresponding change should be made to subsection (b)(3)(i) of this section, which refers to a recommendation of the "sentencing judge".