

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsection (b)(7) of this section sets forth rules governing the disposition of an inmate's earnings. The Committee further notes that there are significant inconsistencies throughout this article in statutory provisions governing the disposition of an inmate's earnings in different contexts. See, e.g., §§ 3-804, 3-807(e)(1), 9-504(d), 9-512(b), 11-319(b), 11-407(b), 11-604, 11-703(d)(4), 11-704(d), 11-705(i), 11-706(b)(5), 11-707(b), 11-711(g), 11-712(c)(5), 11-714(c)(4), 11-715(e), 11-716(g), 11-717(e), 11-718(e), 11-719(b), 11-722(b), 11-724(g), and 11-725(b) of this article and accompanying Revisor's Notes. The General Assembly may wish to examine all of the relevant provisions and determine whether they should be changed to reflect a more consistent policy in this area.

In subsection (b)(8)(ii) of this section, the reference to a violation of a term of leave being "[a] violation of" Art. 27, § 139 is substituted for the former reference to a violation of a term of leave being "considered a violation of" Art. 27, § 139 for accuracy.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsection (b)(8)(ii) of this section is one of many provisions in this article that relates to inmates who escape while legitimately outside the confines of a correctional facility (e.g., while on work release, home detention, pretrial release, weekend leave, compassionate leave, family leave, etc.). For a discussion of the Committee's perspective on these provisions, see § 3-305(c) of this article and accompanying Revisor's Note.

In subsection (c)(2) of this section, the former reference to an individual who is sentenced to imprisonment "by any court in Carroll County" is deleted as unnecessary in light of subsection (a) of this section.

Also in subsection (c)(2) of this section, the former reference to a home detention program "established under this section" is deleted as implied in the reference to the "home detention program".

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsection (c)(2) of this section authorizes a "sentencing judge" to require that an individual participate in home detention. Subsection (c)(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 (c)(2) to state expressly that, when a sentencing judge is unable to act, the authority to require that an individual participate in home detention 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 (c)(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