

may wish to amend subsection (b)(2)(i) to state expressly that, when the sentencing judge is unable to act, the authority to place an individual in home detention extends to other judges of the committing court. See, e.g., §§ 11-704(c)(1)(i), 11-706(b)(2), and 11-717(d)(1) and (2) and (f)(3) of this subtitle. Alternatively, the General Assembly may wish to amend subsection (b)(2)(i) 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) and (3)(i), 11-712(d)(2) and (3)(i), 11-714(b)(1) and (3)(i) and (d)(2) and (3)(i), 11-715(d)(1) and (g)(1)(i), and 11-723(b)(2) and (3)(i) of this subtitle and accompanying Revisor's Notes. If the General Assembly chooses to amend subsection (b)(2)(i), a corresponding change should be made to subsection (b)(3)(i) of this section, which refers to the recommendation of the "sentencing judge".

In subsection (b)(2)(i) 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.

In subsection (b)(3) of this section, the phrase "[s]ubject to paragraph (4) of this subsection" is substituted for the former phrase "[e]xcept as provided in subsection (c) of this section" because the provision in paragraph (4) is not an exception to the provision in paragraph (3) but rather imposes additional limitations to the eligibility criteria for the program. See also §§ 11-708(c)(3), 11-714(d)(3), and 11-723(b)(3) of this subtitle.

In subsection (b)(3)(i) of this section, the former reference to a home detention program "under subsection (d) of this section" is deleted as implied in the reference to a "home detention program".

In subsection (b)(3)(ii) of this section, the reference to charges pending in any "jurisdiction" is substituted for the former reference to those that are pending in any "city, county, or state" for consistency within this subtitle. See, e.g., §§ 11-708(b)(2)(ii), 11-711(e)(2), 11-712(b)(4)(ii) and (d)(3)(ii), 11-714(d)(3)(ii), 11-715(d)(1)(ii), 11-723(b)(3)(ii), and 11-724(e)(2) of this subtitle. The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that the reference to charges pending in any "jurisdiction", which includes charges filed in federal court, may be broader than the more ambiguous reference to charges pending in any "city, county, or state".

In subsection (b)(5)(i) of this section, the reference to the administrative costs associated with electronic supervision being "includ[ed]" in the cost of electronic supervision is substituted for the former reference to the cost of electronic supervision "and" administrative costs associated with the supervision to clarify that these administrative costs are simply a part of the cost of electronic supervision.