

In subsection (c)(2)(i) and (ii) of this section, the former references to a "sitting" judge are deleted as implied in the references to a "judge".

In subsection (c)(2)(ii) of this section, the reference to the "sentencing" judge is substituted for the former reference to the "judge who first ordered the criminal confinement" for consistency with subsection (c)(2)(i) of this section.

In subsection (c)(3) of this section, the phrase "allow[ing] the inmate to leave actual confinement to" is substituted for the former phrase "grant[ing] the privilege of leaving actual confinement for any of the following purposes" for brevity.

In subsection (c)(3)(ii) of this section, the word "or" is substituted for the former word "and" to clarify that an inmate could be released from confinement in a correctional facility for any of the three undertakings.

In subsection (c)(4) of this section, the former reference to an inmate who is "not working" or otherwise participating in the program is deleted as included in the reference to an inmate who is "not participating in the work release program".

In subsection (c)(5) of this section, the former reference to "surrender[ing]" earnings is deleted as included in the reference to "collect[ing]" earnings.

In subsection (c)(5)(ii)3 of this section, the reference to a fine, cost, "or" restitution is substituted for the former reference to fines, costs, "and" restitutions to distinguish each of these different forms of judicially imposed payments and to avoid any implication under former Art. 27, § 645FF(d)(2)(iii) that a deduction from the income of an individual could only be made if the individual were legally obligated to pay all three types of payments in a particular case.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsection (c)(5)(ii)5 of this section is silent as to whether, from the earnings of an inmate in the program, the Public Defender will be repaid for services provided to the inmate. Compare § 11-703(d)(4)(ii)6 of this subtitle. The General Assembly may wish to amend subsection (c)(5)(ii)5 to require that the warden deduct and disburse, from the earnings of an inmate, any amount that the inmate was ordered to pay under Art. 27A, § 7 for services rendered by the Public Defender.

The Correctional Services Article Review Committee also notes, for consideration by the General Assembly, that subsection (c)(5) of this section, which sets forth rules governing the disposition of an inmate's earnings, is one of many provisions in this article that relates to this subject. However, there are significant inconsistencies throughout this article in the 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),