

(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, AN INMATE IS ELIGIBLE FOR THE HOME DETENTION PROGRAM IF:

(I) THE SENTENCING JUDGE RECOMMENDS THAT THE INMATE PARTICIPATE IN THE PROGRAM; AND

(II) THE INMATE HAS NO OTHER CHARGES PENDING IN ANY JURISDICTION.

(4) AN INMATE IS NOT ELIGIBLE FOR THE HOME DETENTION PROGRAM IF THE INMATE:

(I) IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE; OR

(II) HAS BEEN FOUND GUILTY OF THE CRIME OF:

1. CHILD ABUSE UNDER ARTICLE 27, § 35C OF THE CODE; OR

2. ESCAPE UNDER ARTICLE 27, § 139 OF THE CODE.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify that this section applies only in Harford County.

Subsections (b), (c), and (d) of this section are new language derived without substantive change from former Art. 27, § 645U.

In subsections (b)(1) and (d)(2) of this section, references to an "individual" are substituted for the former references to a "person" because only a human being, and not the other entities included in the defined term "person", can be sentenced to imprisonment. See § 1-101 of this article for the definition of "person".

In subsection (b)(1) of this section, the reference to a judge "allow[ing]" an individual to participate in an authorized activity is substituted for the former reference to "prescrib[ing] that [an individual] may" participate in an authorized activity for consistency throughout this article with regard to discretionary language.

Also in subsection (b)(1) of this section, the references to "confinement" are substituted for the former references to "term of detention" and "term of his sentence", respectively, for consistency throughout this subtitle.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsections (b)(1) and (d)(2) of this section authorize a "sentencing judge" to allow an individual to participate in certain activities. Subsections (b)(1) and (d)(2) are silent as to what happens when the sentencing judge is unable to act on the matter. The General Assembly may wish to amend subsections (b)(1) and (d)(2) to state expressly that, when the sentencing judge is unable to act, the authority to allow an individual to participate in the specified activities extends to other judges of the committing court. See, e.g., subsection (c)(3) of this section and §§ 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