

REVISOR'S NOTE: Subsection (a) of this section is new language added to avoid repetition of the full name of the "Howard County Department of Correction" and the full title of the "Director of the Howard County Department of Correction".

Subsection (b) of this section is new language added to clarify that this section applies only in Howard County.

Subsections (c) through (g) of this section are new language derived without substantive change from former Art. 27, § 645EE.

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

Also in subsection (d)(1) of this section, the reference to "confinement" is substituted for the former reference to "incarceration" for consistency throughout this article. See General Revisor's Note to this article. Similarly, in subsection (g)(1)(ii) of this section, the reference to the diminution of "the inmate's term of confinement" is substituted for the former reference to the diminution of "sentence".

In subsection (d)(1)(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), 11-709(b)(3), 11-712(b)(4)(ii) and (d)(3)(ii), 11-714(d)(3)(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".

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsection (d)(1) of this section authorizes a "sentencing judge" to allow an individual to participate in the work release program. Subsection (d)(1) 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 (d)(1) to state expressly that, when the sentencing judge is unable to act, the authority to place an individual in the work release 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 (d)(1) 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,