

(I) 5 YEARS HAVE ELAPSED SINCE EXPIRATION OF THE SENTENCE FOR THE CRIME OF VIOLENCE; OR

(II) THE INMATE IS WITHIN 90 DAYS OF RELEASE ON PAROLE OR MANDATORY SUPERVISION; OR

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

(I) CHILD ABUSE UNDER ARTICLE 27, § 35C OF THE CODE; OR

(II) ESCAPE UNDER ARTICLE 27, § 139 OF THE CODE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 689A(d).

Defined terms: "Inmate" § 1-101

"Program" § 3-401

3-405. CONDITIONS OF PLACEMENT.

AN INMATE MAY BE PLACED IN THE PROGRAM IF:

(1) THE INMATE AGREES TO WAIVE THE INMATE'S RIGHT TO CONTEST EXTRADITION;

(2) THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE APPROVES THE PLACEMENT; AND

(3) THE INMATE HAS SERVED ANY STATUTORILY IMPOSED MINIMUM SENTENCE, LESS THE ALLOWANCES FOR DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT PROVIDED UNDER SUBTITLE 7 OF THIS TITLE AND ARTICLE 27, § 638C OF THE CODE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 689A(e).

In the introductory language of this section, the former reference to placing an inmate in the program "only" if certain factors are met is deleted as implicit in the list of eligibility requirements.

Former Art. 27, 689A(e)(3), which is revised in item (3) of this section, provided that an inmate may be placed in the home detention program only after the inmate has served any statutorily imposed minimum sentence, less the allowances for diminution of the inmate's term of confinement provided under Art. 27, § 638C and former Art. 27, § 700, which is revised in Subtitle 7 of this title. The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that former Art. 27, § 704A, which is revised in Title 11, Subtitle 5 of this article, establishes rules governing diminution of confinement for inmates in local correctional facilities. The General Assembly may wish to revise item (3) of this section to include a reference to allowances for diminution of the inmate's term of confinement provided under Title 11, Subtitle 5 of this article.