

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 700A(b-1).

In the introductory language of subsection (a) of this section, the reference to "[t]he Commissioner[s]" discretion to grant leave is added for consistency with subsection (b)(1) of this section.

In subsection (a)(2) of this section, the reference to the inmate's direct "Division" supervisor is added to state expressly that which was only implied in the former law, *i.e.*, the recommendation must come from the appropriate official in the Division and not from the inmate's work-release employer. See also § 3-809(c)(1)(i)2 of this subtitle.

In subsection (b)(1) of this section, the former reference to "[f]inal" authorization is deleted as implicit in the reference to "authorization".

In subsection (c) of this section, the former reference to a weekend "consist[ing] of a period of time" is deleted as unnecessary in light of the specific reference to particular times.

Also in subsection (c) of this section, the reference to weekend "leave" is added to state expressly that which was formerly only implied in the reference to "weekend".

Defined terms: "Commissioner" § 3-101

"Inmate" § 1-101

3-803. SAME — HOUSING OF INMATES.

(A) IN GENERAL.

(1) THE DIVISION SHALL DESIGNATE CORRECTIONAL FACILITIES IN THE DIVISION TO HOUSE INMATES IN THE WORK-RELEASE PROGRAM ESTABLISHED UNDER § 3-801 OF THIS SUBTITLE.

(2) IF THE DESIGNATED FACILITIES ARE NOT REASONABLY NEAR THE PLACE OF EMPLOYMENT OF AN INMATE WHO IS IN THE WORK-RELEASE PROGRAM, THE DIVISION MAY CONTRACT WITH A POLITICAL SUBDIVISION OF THE STATE TO HOUSE THE INMATE IN A SUITABLE LOCAL CORRECTIONAL FACILITY.

(3) THE COMMISSIONER SHALL INCLUDE AS A SPECIFIC TERM OR CONDITION OF AN INMATE'S WORK-RELEASE PLAN THE PLACE WHERE THE INMATE IS TO BE CONFINED WHEN NOT RELEASED UNDER THE WORK-RELEASE PROGRAM.

(B) FAILURE TO RETURN; PENALTY.

(1) AN INMATE WHO IS RELEASED FROM ACTUAL CONFINEMENT UNDER A WORK-RELEASE PLAN MAY NOT WILLFULLY FAIL TO RETURN TO THE DESIGNATED PLACE OF CONFINEMENT AT THE DESIGNATED TIMES.

(2) AN INMATE WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO THE PENALTIES ESTABLISHED UNDER ARTICLE 27, § 139 OF THE CODE.