

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

**Meeting Date:** 9/30/97

**Reference No.:** CB-105-1997

**Proposer:** Estepp

**Draft No.:** 3

**Sponsors:** Estepp

**Item Title:** An Act to provide for the licensing and regulation  
of Pretrial Monitoring Businesses

**Drafter:** Ralph E. Grutzmacher

**Resource Personnel:**

**LEGISLATIVE HISTORY:**

**Date Presented:** 9/30/97

**Executive Action:** 12/17/97 S

**Committee Referral:** 9/30/97 PSFM

**Effective Date:** 2/2/98

**Committee Action:** 10/16/97 FAV (A)

**Date Introduced:** 10/21/97

**Pub. Hearing Date:** 11/25/97 10:15 AM

**Council Action:** 11/25/97 ENACTED

**Council Votes:** DB:A, SD:A, JE:A, IG:A, TH:A, WM:A, RVR:-, AS:A, MW:A

**Pass/Fail:** P

**Remarks:** (See also CR-20-1997)

11/25/97 - Amended on the floor.

**PUBLIC SAFETY AND FISCAL MANAGEMENT COMMITTEE REPORT** Date: 10/16/97

Committee Vote: Favorable with amendments, 5-0, (In favor: Council Members Wilson, Estepp, Gourdine, Maloney and Scott).

This bill will provide for licensing and regulation of Pretrial Monitoring Businesses which will temporarily place some regulatory safeguards on this industry. It will require any person engaging in this business to maintain a valid license which costs \$500.00. As a precondition to issuing the license, the individual will be required to post a corporate bond or cash bond in the amount of \$500.00

Judge Missouri, Administrative Judge for the 7th Circuit Court, submitted the following concerns regarding this legislation:

- (1) The bill does not provide for the necessary differences between private and county supervised pretrial monitoring.
- (2) It is inappropriate for the Court to be involved in setting the regulations and then arbitrating the dispute.
- (3) There does not appear to be any provisions for judicial review of the revocation, suspension or refusal to renew a license.

John Kent, Home Confinement Services, Inc., endorsed the bill's intent to address a need for oversight in the area of privatized electronic monitoring of offenders (home detention). He feels that the proposed legislation misses the mark on the larger and more important issues. There needs to be public policy discussions with respect to the varying and expected roles and the establishment of minimum expected standards.

The Office of Business and Regulatory Affairs stated that CB-105-1997 will directly impact the budget and operations of this office. Some of the concerns expressed were (1) Staffing, (2) Additional expenses for administering this legislation, (3) The inclusion of national standards in this legislation if they exist, and (4) Changing the effective date of the legislation from 45 days to allow the office more time to prepare for the implementation of this legislation.

The legislation was amended to include a review of the program within one (1) year.

There will be some positive fiscal impact on the County related to the application fees for licenses that are collective and any fines issued for violations as a result of enacting CB-105-1997.

**BACKGROUND INFORMATION/FISCAL IMPACT**  
**(Includes reason for proposal, as well as any unique statutory requirements)**

The courts use a number of third party monitoring techniques to provide alternatives to incarceration for persons accused of crimes and persons convicted of crimes. The levels of supervision and monitoring imposed are carried out by public and private non-profit agencies and private for-profit organizations. The proposed legislation will license for-profit organizations and impose standards and training for the organization.

**CODE INDEX TOPICS:****Businesses***Picnics*

Fees .....	5-195
Penalty .....	5-196
Permit required .....	5-194
Rules and regulations .....	5-195

*Pretrial Release Monitoring Business License*

<u>Application; fee; qualifications</u> .....	5-341
<u>Background investigations</u> .....	5-343
<u>Definitions</u> .....	5-339
<u>Issuance of licenses; restrictions</u> .....	5-346
<u>License; bond required</u> .....	5-342
<u>Licenses required</u> .....	5-340
<u>Monitoring of defendants</u> .....	5-348
<u>Pretrial agencies; operational qualifications</u> .....	5-347
<u>Renewal; revocation or suspension of license</u> .....	5-345
<u>Term of Licenses; renewal</u> .....	5-344
<u>Violations</u> .....	5-349

*Secondhand Dealers***Definitions**

Court	5-339, 7-188, 10-227
Defective tenancy .....	13-138
<u>Defendant</u> .....	5-339
Definitions .....	1-102
Department .....	2-253.50, 4-257, 4-317, 5-118.03, 5-339
.....	12-104, 19-102, 21-143, 23-102, 28-102, 28-202
Director .....	1-102, 2-164, 2-253.06, 2-253.50, 2A-102, 3-101, 4-257
.....	4-271, 4-317, 5-118.03, 5-155, 5-176, 5-184.02, 5-197
.....	5-201, 5-264, 5-314, 5-339, 5A-101, 6-102, 10-205, 10-227
.....	13-138, 13-231, 14-118, 21-143, 23-102, 26-101
.....	26A-101, 28-102, 28-202, 29-102
Model studio .....	5-314
<u>Monitor or monitoring</u> .....	5-339
Month .....	1-102
Premises .....	12-136
<u>Pretrial Agency</u> .....	5-339
Prince George's Soil Conservation District .....	4-271, 5B-102