

1 or confinement in ~~the county or regional~~ jail or a state
2 correctional facility, or both fine and confinement, may, in the
3 discretion of the sentencing judge or magistrate, as an alternative
4 to the sentence imposed by statute for the crime, be sentenced
5 under one of the following programs:

6 (1) The weekend jail program under which persons would be
7 required to spend weekends or other days normally off from work in
8 jail;

9 (2) The work program under which sentenced persons would be
10 required to spend the first two or more days of their sentence in
11 jail and then, in the discretion of the court, would be assigned to
12 a county agency to perform labor within the jail, or in and upon
13 the buildings, grounds, institutions, bridges, roads, including
14 orphaned roads used by the general public and public works within
15 the county. Eight hours of labor are to be credited as one day of
16 the sentence imposed. Persons sentenced under this program may be
17 required to provide their own transportation to and from the work
18 site, lunch and work clothes; or

19 (3) The community service program under which persons
20 sentenced would spend no time in jail but would be sentenced to a
21 number of hours or days of community service work with government
22 entities or charitable or nonprofit entities approved by the
23 circuit court. Regarding any portion of the sentence designated as
24 confinement, eight hours of community service work is to be
25 credited as one day of the sentence imposed. Regarding any portion

1 of the sentence designated as a fine or court costs, the fine and
2 court costs ~~is~~ are to be credited at an hourly rate equal to the
3 prevailing federal minimum wage at the time the sentence was
4 imposed. In the discretion of the court, the sentence credits may
5 run concurrently or consecutively. Persons sentenced under this
6 program may be required to provide their own transportation to and
7 from the worksite, lunch and work clothes;

8 (4) A day-reporting center program if the program has been
9 implemented in the sentencing court's jurisdiction or in the area
10 where the offender resides. For purposes of this subdivision "day-
11 reporting center" means a court-operated or court-approved facility
12 where persons ordered to serve a sentence in this type of facility
13 are required to report under the terms and conditions set by the
14 court for purposes which include, but are not limited to,
15 counseling, employment training, alcohol or drug testing or other
16 medical testing. Labor performed through participation in any
17 community work program administered through a day-reporting center
18 may be credited toward the payment of fines and court costs in
19 accordance with the provisions of subsection three of this article.

20 (b) In no event may the duration of the alternate sentence
21 exceed the maximum period of incarceration otherwise allowed.

22 (c) In imposing a sentence under the provisions of this
23 section, the court shall first make the following findings of fact
24 and incorporate them into the court's sentencing order:

25 (1) The person sentenced was not convicted of an offense for

1 which a mandatory period of confinement is imposed by statute;

2 (2) In circuit court cases, that the person sentenced is not
3 a habitual criminal within the meaning of sections eighteen and
4 nineteen, article eleven, chapter sixty-one of this code;

5 (3) In circuit court cases, that the offense underlying the
6 sentence is not a felony offense for which violence or the threat
7 of violence to the person is an element of the offense;

8 (4) In circuit court cases, that adequate facilities for the
9 administration and supervision of alternative sentencing programs
10 are available through the court's probation officers or the county
11 sheriff or, in magistrate court cases, that adequate facilities for
12 the administration and supervision of alternative sentencing
13 programs are available through the county sheriff; ~~and~~

14 (5) That an alternative sentence under provisions of this
15 article will best serve the interests of justice; and

16 (6) In sentencing an offender to participate in a community
17 work program, in lieu of payment of fines or court costs, the court
18 shall find that the offender lacks the financial resources to pay
19 the fine and court costs and that the interests of justice would
20 best be served through the performance of labor as provided by this
21 article. Labor may not be substituted for moneys that support
22 regional jails.

NOTE: The purpose of this bill is to allow people to discharge court costs through participation in a community work program under certain circumstances when the court finds that they have no ability to pay such costs.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.