

1 § 7554B. HOME DETENTION PROGRAM

2 (a) Definition. As used in this section, "home detention" means a program
3 of confinement and supervision that restricts a defendant to a preapproved
4 residence continuously, except for authorized absences, and is enforced by
5 appropriate means of surveillance and electronic monitoring by the Department
6 of Corrections. The court may authorize scheduled absences such as work,
7 school, or treatment. Any changes in the schedule shall be solely at the
8 discretion of the Department of Corrections. A defendant who is on home
9 detention shall remain in the custody of the Commissioner of Corrections with
10 conditions set by the Court.

11 (b) Procedure. The status of a defendant who is detained pretrial ~~for more~~
12 ~~than seven days~~ in a correctional facility for lack of bail may be reviewed by
13 the Court to determine whether the defendant is appropriate for home
14 detention. The request for review may be made by either the Department of
15 Corrections or the defendant. After a hearing, the court may order that the
16 defendant be released to the Home Detention Program, providing that the
17 Court finds placing the defendant on home detention will reasonably assure his
18 or her appearance in Court when required and the proposed residence is
19 appropriate for home detention. In making such a determination, the court shall
20 consider:

- 21 (1) the nature of the offense with which the defendant is charged;
22 (2) the defendant's prior convictions, history of violence, medical and
23 mental health needs, history of supervision, and risk of flight; and

1 (3) any risk or undue burden to other persons who reside at the proposed
2 residence or risk to third parties or to public safety that may result from such
3 placement.

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5 (d) A defendant shall receive credit for a sentence of imprisonment for time
6 served in the Home Detention Program.