§3035. Rehabilitative programs

The commissioner may adopt, implement and establish rules for rehabilitative programs, including, but not limited to, work release, education release, remote work, furlough, public service release and programs resulting in the payment of restitution, as described by Title 17-A, section 2016, for residents of the facilities under the commissioner's control. [PL 2025, c. 234, §1 (AMD).]

1. Work release, education release, remote work and public service release. The chief administrative officer may permit any resident under sentence to the department and any juvenile client residing at a facility under the commissioner's control considered to be worthy of trust to participate in activities outside the facility, including, but not limited to, work release, education release and public service release, or remote work activities within the facility under the following conditions.

A. Activities may include training and employment. [PL 1983, c. 459, §6 (NEW).]

B. Activities are subject to rules adopted by the commissioner. [PL 2025, c. 234, §2 (AMD).]

C. Activities must, in the judgment of the chief administrative officer, contribute to the reformation of the resident and assist in preparing the resident for eventual release. [PL 2025, c. 234, §2 (AMD).]

D. Transportation to sites in the community must be approved by the chief administrative officer.

(1) Residents participating in the work release program may be assessed an equitable share of the cost of the transportation, not to exceed 10% of a resident's work release earnings.

(2) Funds received from residents for work release transportation must be placed in the General Fund. [PL 2025, c. 234, §2 (AMD).]

E. Every resident participating in the work release program or in remote work activities is liable for the cost of room and board in the facility.

(1) The reasonable cost of room and board for a resident in a facility is fixed by the commissioner. In fixing the reasonable cost of the room and board to be paid, the commissioner shall take into consideration other state laws or judicial determinations that affect the resident's income. The cost of room and board may not exceed 10% of the resident's work release or remote work earnings.

(2) Funds received from residents for the room and board must be placed in the General Fund. [PL 2025, c. 234, §2 (AMD).]

[PL 2025, c. 234, §2 (AMD).]

2. Furlough. Subject to subsection 5, the commissioner may grant to a client under sentence to the department and a juvenile client furlough from the facility in which the client is confined under the following conditions.

A. Furlough may only be granted subject to rules adopted by the commissioner. [PL 1983, c. 459, §6 (NEW).]

B. Furlough may be granted for not more than 10 days at one time for a visit to a dying relative, for attendance at the funeral of a relative, for the contacting of prospective employers or for any other reason consistent with the rehabilitation of a client. [PL 1991, c. 314, §40 (AMD).]

C. Furlough may be granted for the obtaining of medical services for a period longer than 10 days if medically required. [PL 1983, c. 459, §6 (NEW).]

[PL 1991, c. 314, §40 (AMD).]

3. Copy of rules. Copies of rules must be provided to clients as follows.

A. The chief administrative office of a facility adopting a rehabilitative program under this section shall provide to any client permitted outside a facility under this section a copy of the rules of the

commissioner applicable to the program in which the client is permitted to participate or to the client's furlough. [PL 1991, c. 314, §40 (AMD).]

B. The client shall attest to the receipt of the copy of the rules. [PL 1991, c. 314, §40 (AMD).]
[PL 1991, c. 314, §40 (AMD).]

4. Prohibited acts. Prohibited acts under this section are governed as follows.

A. A person who is 17 years of age or older is guilty of interference with a rehabilitative program or furlough if the person willfully obstructs, intimidates or otherwise abets any client participating in a program, or on furlough, under this section, and thereby contributes or causes the client to violate the terms of the client's program participation or furlough, after having been warned by the chief administrative officer of the facility to end the relationship or association with the client. [PL 1991, c. 314, §40 (AMD).]

B. Interference with a rehabilitative program or furlough is a Class E crime, except that, notwithstanding Title 17-A, section 1604, subsection 1, paragraph E, the court may sentence a person to imprisonment for not more than 11 months. [PL 2019, c. 113, Pt. C, §89 (AMD).]
[PL 2019, c. 113, Pt. C, §89 (AMD).]

5. Time served before furlough. No furlough may be granted until the client has served 50% of the original sentence imposed, after consideration of any deductions that the client has received and retained under Title 17-A, section 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311. This section does not apply to furloughs granted under subsection 2, paragraph B or C.
[PL 2019, c. 113, Pt. C, §90 (AMD).]

6. Notification of law enforcement agencies. A prisoner may not participate in a furlough under subsection 2 unless, in advance of the chief administrative officer's consideration of the request for that furlough, the department notifies:

A. The district attorney for the district in which the prisoner will reside; [PL 1997, c. 714, §4 (NEW).]

B. The sheriff for the county in which the prisoner will reside; [PL 1997, c. 714, §4 (NEW).]

C. The chief of police of any municipality in which the prisoner will reside; [PL 1997, c. 714, §4 (NEW).]

D. The Department of Public Safety; and [PL 1997, c. 714, §4 (NEW).]

E. The district attorney for the district where the prisoner's underlying commitment to the department originated. [PL 1997, c. 714, §4 (NEW).]

If the department grants a prisoner furlough request, the department shall again notify those listed in paragraphs A to E.

A furlough may be granted in an emergency without any prior notification as long as notification is given as soon as practicable.
[PL 1997, c. 714, §4 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§20,59 (AMD). PL 1983, c. 734 (AMD). PL 1987, c. 729, §§1,2 (AMD). PL 1991, c. 314, §40 (AMD). PL 1997, c. 714, §4 (AMD). RR 2009, c. 2, §93 (COR). PL 2013, c. 80, §7 (AMD). PL 2019, c. 113, Pt. C, §§88-90 (AMD). PL 2025, c. 234, §§1, 2 (AMD).

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