

HOUSE BILL 749

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11r2423
CF SB 362

By: **Delegates Waldstreicher, Anderson, Dumais, Rosenberg, and Valderrama**
Introduced and read first time: February 10, 2011
Assigned to: Judiciary

Committee Report: Favorable
House action: Adopted
Read second time: March 15, 2011

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Division of Parole and Probation – Supervision Fee**

3 FOR the purpose of requiring the Department of Public Safety and Correctional
4 Services and the appropriate local detention center, on the release of an
5 individual supervised by the Division of Parole and Probation, to provide the
6 individual with an oral and a written notice relating to the application for an
7 exemption from a certain monthly supervision fee; and generally relating to
8 providing information on exemption from fees paid by individuals supervised by
9 the Division of Parole and Probation.

10 BY repealing and reenacting, with amendments,
11 Article – Correctional Services
12 Section 7–702
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2010 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Correctional Services**

18 7–702.

19 (a) In this section, “supervisee” means an individual supervised by the
20 Division of Parole and Probation for the Commission.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) Unless a supervisee is exempted by the Commission under subsection (d)
2 of this section, the Commission shall assess a monthly fee of \$40 as a condition of
3 supervision for each supervisee.

4 (c) (1) The fee assessed under subsection (b) of this section shall be paid
5 to the Division of Parole and Probation.

6 (2) The Division of Parole and Probation shall pay all money collected
7 under this section into the General Fund of the State.

8 (d) The Commission may exempt a supervisee wholly or partly from the fee
9 assessed under subsection (b) of this section if:

10 (1) the supervisee has diligently attempted but has been unable to
11 obtain employment that provides sufficient income for the supervisee to pay the fee;

12 (2) (i) the supervisee is a student in a school, college, or university
13 or is enrolled in a course of vocational or technical training designed to prepare the
14 supervisee for gainful employment; and

15 (ii) the institution in which the supervisee is enrolled supplies
16 certification of student status to the Commission;

17 (3) the supervisee has a disability that limits possible employment, as
18 determined by a physical or psychological examination that the Commission accepts or
19 orders;

20 (4) the supervisee is responsible for the support of dependents and the
21 payment of the fee constitutes an undue hardship on the supervisee; or

22 (5) other extenuating circumstances exist.

23 (e) The fee assessed under subsection (b) of this section is in addition to court
24 costs and fines.

25 (f) (1) If a supervisee does not comply with the fee requirement:

26 (i) the Division of Parole and Probation shall notify the
27 Commission; and

28 (ii) the Commission may revoke parole or mandatory
29 supervision.

30 (2) The Commission shall conduct a hearing to determine if there are
31 sufficient grounds to find the supervisee in violation of the fee requirement.

- 1 (3) At a hearing under this subsection, the Commission may consider:
- 2 (i) any material change in the supervisee's financial status;
- 3 (ii) good faith efforts of the supervisee to pay the fee; and
- 4 (iii) alternative means to assure payment of the fee before the
- 5 period of supervision ends.

6 (g) (1) In addition to the fee assessed under subsection (b) of this section,

7 the Division of Parole and Probation may require a supervisee to pay for drug or

8 alcohol abuse testing that the Commission orders.

9 (2) If a supervisee fails to pay for drug or alcohol abuse testing as

10 required by the Division of Parole and Probation, the Commission may revoke parole

11 or mandatory supervision.

12 (3) If the Division of Parole and Probation determines that any of the

13 criteria specified in subsection (d) of this section are applicable, the Division may

14 exempt a supervisee wholly or partly from a payment for drug or alcohol abuse testing.

15 (h) The Division of Parole and Probation shall:

16 (1) adopt guidelines for collecting the supervision fee;

17 (2) adopt guidelines for collecting the cost of drug and alcohol abuse

18 testing; and

19 (3) investigate requests for an exemption from payment if the

20 Commission requests an investigation.

21 (i) The Division of Parole and Probation shall:

22 (1) keep records of all payments by each supervisee; and

23 (2) report delinquencies to the Commission.

24 **(J) ON RELEASE OF A SUPERVISEE, THE DEPARTMENT AND THE**

25 **APPROPRIATE LOCAL DETENTION CENTER SHALL PROVIDE THE SUPERVISEE**

26 **WITH AN ORAL AND A WRITTEN NOTICE THAT:**

27 **(1) STATES THE CRITERIA LISTED IN SUBSECTION (D) OF THIS**

28 **SECTION THAT THE COMMISSION MAY USE IN DETERMINING WHETHER TO**

29 **EXEMPT A SUPERVISEE FROM THE SUPERVISION FEE ASSESSED UNDER**

30 **SUBSECTION (B) OF THIS SECTION; AND**

1 **(2) EXPLAINS THE PROCESS OF APPLYING FOR AN EXEMPTION**
2 **FROM THE SUPERVISION FEE.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.