

SENATE BILL 362

E4

(11r0343)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senators Raskin and Ramirez**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of ~~repealing a certain provision of law that authorizes the Parole~~
4 ~~Commission to revoke parole or mandatory supervision of a certain person who~~
5 ~~does not comply with a certain fee requirement,~~ requiring the Department of
6 Public Safety and Correctional Services and the appropriate local detention
7 center, on the release of an individual supervised by the Division of Parole and
8 Probation, to provide the individual with an oral and a written notice relating to
9 the application for an exemption from a certain monthly supervision fee; and
10 generally relating to providing information on exemption from fees paid by
11 individuals supervised by the Division of Parole and Probation.

12 BY repealing and reenacting, with amendments,

13 Article – Correctional Services

14 Section 7–702

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.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2008 Replacement Volume and 2010 Supplement)

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

5 **Article – Correctional Services**

6 7–702.

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

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

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

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

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

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

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

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

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

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

30 (5) other extenuating circumstances exist.

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

1 ~~(f) (1) If a supervisee does not comply with the fee requirement:~~
2 ~~(i) the Division of Parole and Probation shall notify the~~
3 ~~Commission; and~~
4 ~~(ii) the Commission may revoke parole or mandatory~~
5 ~~supervision.~~

6 (f) (1) If a supervisee does not comply with the fee requirement:
7 (i) the Division of Parole and Probation shall notify the
8 Commission; and
9 (ii) the Commission may revoke parole or mandatory
10 supervision.

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

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

18 (g) (1) In addition to the fee assessed under subsection (b) of this section,
19 the Division of Parole and Probation may require a supervisee to pay for drug or
20 alcohol abuse testing that the Commission orders.

21 (2) If a supervisee fails to pay for drug or alcohol abuse testing as
22 required by the Division of Parole and Probation, the Commission may revoke parole
23 or mandatory supervision.

24 (3) If the Division of Parole and Probation determines that any of the
25 criteria specified in subsection (d) of this section are applicable, the Division may
26 exempt a supervisee wholly or partly from a payment for drug or alcohol abuse testing.

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

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

29 (2) adopt guidelines for collecting the cost of drug and alcohol abuse
30 testing; and

1 (3) investigate requests for an exemption from payment if the
2 Commission requests an investigation.

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

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

5 (2) report delinquencies to the Commission.

6 (J) ON RELEASE OF A SUPERVISEE, THE DEPARTMENT AND THE
7 APPROPRIATE LOCAL DETENTION CENTER SHALL PROVIDE THE SUPERVISEE
8 WITH AN ORAL AND A WRITTEN NOTICE THAT:

9 (1) STATES THE CRITERIA LISTED IN SUBSECTION (D) OF THIS
10 SECTION THAT THE COMMISSION MAY USE IN DETERMINING WHETHER TO
11 EXEMPT A SUPERVISEE FROM THE SUPERVISION FEE ASSESSED UNDER
12 SUBSECTION (B) OF THIS SECTION; AND

13 (2) EXPLAINS THE PROCESS OF APPLYING FOR AN EXEMPTION
14 FROM THE SUPERVISION FEE.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.