

**Department of Legislative Services**  
Maryland General Assembly  
2013 Session

**FISCAL AND POLICY NOTE**

Senate Bill 571 (Senators Shank and Getty)  
Judicial Proceedings

---

**Criminal Procedure - Certificate of Rehabilitation**

---

This bill establishes that it is the policy of the State to encourage the employment and reintegration into society of nonviolent ex-offenders who have rehabilitated themselves. The bill authorizes the Maryland Parole Commission (MPC) to issue a certificate of rehabilitation to an “eligible offender” establishing that the offender has been rehabilitated from his or her previous criminal involvement. MPC must consider several factors before issuing a certificate, may conduct an investigation to determine whether to issue a certificate, and may revoke a certificate under specified conditions. A criminal penalty is established for knowingly using a revoked certificate.

---

**Fiscal Summary**

**State Effect:** None. The bill’s requirements can be handled with the existing budgeted resources of the Department of Public Safety and Correctional Services (DPSCS). The criminal penalty provisions of this bill do not have a material impact on State finances or operations.

**Local Effect:** None. The criminal penalty provisions of this bill do not have a material impact on local finances or operations.

**Small Business Effect:** None.

---

**Analysis**

**Bill Summary:** Under the bill, an “eligible offender” is a person who has been convicted of a crime that is not a violent crime or a sexual offense. The bill specifies that a certificate of rehabilitation may be issued to an eligible offender who:

- was committed to the jurisdiction of DPSCS;
- was released from a correctional institution under conditions of parole, probation, or mandatory supervision; and
- has successfully completed the term of supervision, including paying all required restitution, fines, fees, and other financial obligations.

MPC must consider the following factors before issuing a certificate of rehabilitation:

- the nature of each conviction and number of convictions;
- the length of time that has passed since the conviction or convictions;
- whether the offender has met all child and spousal support obligations;
- whether the offender has timely paid all State, federal, and local income taxes;
- whether the offender has maintained a residence for a substantial period;
- whether the offender has maintained gainful employment or demonstrated other acceptable means of meeting the financial needs of the offender and any dependents;
- evidence that the offender has adequately addressed any drug or alcohol abuse or addiction;
- letters of reference; and
- documentation of the offender's service to the community or specific individuals in need.

MPC may conduct an investigation to determine whether to issue a certificate. MPC may revoke a certificate if the offender is subsequently convicted of any crime except a nonincarcerable traffic offense. Granting or revoking a certificate by MPC must be made by majority vote of the members authorized to grant or revoke parole.

A person may not knowingly use or attempt to use a revoked certificate of rehabilitation. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 90 days and/or a fine of \$500.

**Current Law/Background:** MPC has the exclusive power to authorize the parole of an inmate in State correctional facilities, excluding the Patuxent Institution, or a local correctional facility. An inmate serving a sentence is not eligible for parole until the inmate has served in confinement one-fourth of the inmate's aggregate sentence. A person serving a sentence for a crime of violence is not entitled to a parole hearing until after having served one-half of the term. Certain persons are not eligible for parole while serving a mandatory minimum sentence.

When an inmate's total number of diminution credits is equal to the remainder of the sentence, including consideration for any losses of credits, the inmate is eligible for mandatory supervision release. A deduction may not be allowed for a period during which an inmate does not receive credit for service of the inmate's term of confinement, including a period (1) during which the inmate's sentence is stayed; (2) during which the inmate is not in State correctional custody because of escape; or (3) for which MPC has declined to grant credit after revocation of parole or mandatory supervision.

Inmates granted parole or released on mandatory supervision are supervised by DPSCS. The standard conditions of supervision are the same for both parolees and persons released on mandatory supervision release. MPC has the authority to impose any additional conditions of parole or mandatory supervision. Inmates accused of violating the conditions of their supervision have a hearing conducted by a parole commissioner.

The ability to adjust the period of a parole or probation, which is based upon the sentence handed down by a court, is the exclusive jurisdiction of a court. The courts have the authority to place an individual in nonactive supervision status.

MPC has an abatement process under which the active supervision of an offender is ended without effect on the legal expiration date of the case or the offender's obligation to obey all laws, report to DPSCS as instructed, or obtain written permission before relocating outside of Maryland. A supervision agent may request abatement or early termination of an offender's supervision if the offender has completed two consecutive years of crime-free behavior and the offender, as applicable:

- has paid in full restitution, 2% collection fee, fine, court costs, and public defender fee;
- is current on payment of supervision fee and drug testing fees, as applicable;
- has fulfilled all special conditions;
- is under intermediate or standard supervision; and
- has incurred neither a behavioral nor an actual positive for a drug test administered during the 30 days prior to the submission of the report requesting abatement or early termination.

An offender is not eligible for abatement or early termination if the offender is (1) serving a life sentence; (2) a sexual offender; or (3) registered or is required to register as a sexual offender.

Chapters 564 and 565 of 2012 (SB 691/HB 670) require DPSCS to establish a program to implement earned compliance credits which create a reduction of up to 20 days in the

period of active supervision for a “supervised individual” and to develop policies and procedures for the implementation of the program. MPC or the court may adjust the period of a supervised individual’s supervision on the recommendation of DPSCS for earned compliance credits accrued under the program.

A supervised individual whose period of active supervision has been completely reduced as a result of earned compliance credits must remain on “abatement” until the expiration of the individual’s sentence, unless consenting to continued active supervision or unless violating a condition of probation, parole, or mandatory release supervision including failure to pay a required payment of restitution.

According to the National Conference of State Legislatures, the following ten states currently offer certificates of rehabilitation or the equivalent: Arkansas, California, Illinois, Massachusetts, Minnesota, Montana, New Jersey, New York, North Carolina, and Ohio.

In addition, North Dakota prohibits any state agency, board, commission, or department from disqualifying a person from an occupation, trade, or profession requiring a license, permit, certificate, or registration solely on the basis of a prior conviction if there is evidence that the person has been sufficiently rehabilitated.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 541 (Delegate Hough, *et al.*) - Judiciary.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Public Safety and Correctional Services, National Conference of State Legislatures, Department of Legislative Services

**Fiscal Note History:** First Reader - February 21, 2013  
ncs/lgc

---

Analysis by: Guy G. Cherry

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510