

# HOUSE BILL 1222

E4

0lr2169  
CF SB 499

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By: **Delegates Ramirez, Rosenberg, Anderson, Dumais, and Levi**

Introduced and read first time: February 18, 2010

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

3 FOR the purpose of ~~transferring certain responsibilities relating to the assessment of a~~  
4 ~~certain supervision fee from the Parole Commission to the Division of Parole~~  
5 ~~and Probation; repealing a requirement that the Division of Parole and~~  
6 ~~Probation investigate requests for a certain exemption under certain~~  
7 ~~circumstances; requiring the Division to conduct a certain examination of a~~  
8 ~~supervisee at certain times for certain purposes; authorizing the Division of~~  
9 Parole and Probation to recommend to the Parole Commission that a certain  
10 supervisee be exempt wholly or partly from a certain fee; defining a certain  
11 term; making conforming changes; and generally relating to fees paid by  
12 individuals supervised by the Division of Parole and Probation.

13 BY repealing and reenacting, with amendments,  
14 Article – Correctional Services  
15 Section 7–702  
16 Annotated Code of Maryland  
17 (2008 Replacement Volume and 2009 Supplement)

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

20 **Article – Correctional Services**

21 7–702.

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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 (a) (1) In this section[, “supervisee”] **THE FOLLOWING WORDS HAVE**  
 2 **THE MEANINGS INDICATED.**

3 (2) **“DIVISION” MEANS THE DIVISION OF PAROLE AND**  
 4 **PROBATION.**

5 (3) **“SUPERVISEE”** means an individual supervised by the Division  
 6 [of Parole and Probation for the Commission].

7 (b) Unless a supervisee is exempted by the ~~{Commission}~~ **DIVISION** under  
 8 subsection ~~{(d)}~~ ~~(c) OR (H)~~ of this section, the ~~{Commission}~~ **DIVISION** shall assess a  
 9 monthly fee of \$40 as a condition of supervision for each supervisee.

10 (c) ~~{(1)}~~ The fee assessed under subsection (b) of this section shall be paid  
 11 to the Division of ~~Parole and Probation~~.

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

14 (d)~~{}~~ The ~~{Commission}~~ **DIVISION** may exempt a supervisee wholly or partly  
 15 from the fee assessed under subsection (b) of this section if:

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

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

21 (ii) the institution in which the supervisee is enrolled supplies  
 22 certification of student status to the ~~{Commission}~~ **DIVISION**;

23 (3) the supervisee has a disability that limits possible employment, as  
 24 determined by a physical or psychological examination that the ~~{Commission}~~  
 25 **DIVISION** accepts or orders;

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

28 (5) other extenuating circumstances exist.

29 ~~(D) THE DIVISION SHALL PAY ALL MONEY COLLECTED UNDER THIS~~  
 30 ~~SECTION TO THE GENERAL FUND OF THE STATE.~~

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

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

4 (i) the Division [of Parole and Probation] shall notify the  
5 Commission; and

6 (ii) the Commission may revoke parole or mandatory  
7 supervision.

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

10 (3) At a hearing under this subsection, the Commission may consider:

11 (i) any material change in the supervisee's financial status;

12 (ii) good faith efforts of the supervisee to pay the fee; and

13 (iii) alternative means to assure payment of the fee before the  
14 period of supervision ends.

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

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

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

25 (h) The Division [of Parole and Probation] shall:

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

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

29 (3) ~~investigate requests for an exemption from payment if the~~  
30 ~~Commission requests an investigation] ~~CONDUCT AN EVALUATION OF EACH~~~~  
31 ~~SUPERVISEE AT THE BEGINNING OF THE SUPERVISEE'S PAROLE OR MANDATORY~~  
32 ~~SUPERVISION TERM AND WHEN A CHANGE IN CIRCUMSTANCES OCCURS TO~~

1 ~~DETERMINE WHETHER TO EXEMPT THE SUPERVISEE WHOLLY OR PARTLY FROM~~  
2 ~~THE FEE ASSESSED UNDER SUBSECTION (B) OF THIS SECTION.~~

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) THE DIVISION MAY RECOMMEND TO THE COMMISSION THAT A**  
7 **SUPERVISEE BE EXEMPT WHOLLY OR PARTLY FROM THE FEE ASSESSED UNDER**  
8 **SUBSECTION (B) OF THIS SECTION.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.