

HOUSE BILL 266

E4

2lr0078

By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: January 27, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Division of Parole and Probation – Interstate Compact for Adult Offender**
3 **Supervision – Application Fee**

4 FOR the purpose of establishing a certain application fee for offenders who apply
5 through the Division of Parole and Probation for transfer of probation, parole, or
6 mandatory release supervision to another state in accordance with the
7 Interstate Compact for Adult Offender Supervision; requiring the application
8 fee to be paid to the Division at a certain time; establishing that the application
9 fee is nonrefundable; requiring the Division to pay application fees collected into
10 a certain fund; establishing certain circumstances under which the Division of
11 Parole and Probation may exempt a supervisee from payment of the application
12 fee; establishing the Interstate Compact for Adult Offender Supervision Fund as
13 a special, nonlapsing fund; specifying that the Fund may be used only to pay
14 costs incurred for the return of supervisees to Maryland as required under the
15 terms of the Compact and its rules; requiring the Division of Parole and
16 Probation to administer the Fund; requiring the State Treasurer to hold the
17 Fund and the Comptroller to account for the Fund; specifying the contents of
18 the Fund; providing for the investment of money in and expenditures from the
19 Fund; establishing that the Fund is subject to a certain audit; and generally
20 relating to the transfer of supervision under the terms of the Interstate
21 Compact for Adult Offender Supervision.

22 BY adding to

23 Article – Correctional Services

24 Section 6–216 and 6–217

25 Annotated Code of Maryland

26 (2008 Replacement Volume and 2011 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Correctional Services

6–216.

(A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A SUPERVISEE WHO APPLIES THROUGH THE DIVISION FOR TRANSFER TO ANOTHER STATE IN ACCORDANCE WITH THE COMPACT SHALL PAY AN APPLICATION FEE OF \$100.

(B) (1) THE APPLICATION FEE IMPOSED UNDER THIS SECTION SHALL BE PAID TO THE DIVISION BEFORE THE SUPERVISEE’S APPLICATION FOR TRANSFER IS TRANSMITTED TO THE INTENDED RECEIVING STATE.

(2) THE APPLICATION FEE IS NONREFUNDABLE.

(3) THE DIVISION SHALL PAY THE APPLICATION FEES COLLECTED UNDER THIS SECTION INTO THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION FUND.

(C) THE DIVISION MAY EXEMPT A SUPERVISEE IN WHOLE OR IN PART FROM THE REQUIREMENT TO PAY THE APPLICATION FEE IMPOSED UNDER THIS SECTION IF:

(1) THE SUPERVISEE HAS DILIGENTLY TRIED BUT HAS BEEN UNABLE TO OBTAIN EMPLOYMENT THAT PROVIDES SUFFICIENT INCOME FOR THE SUPERVISEE TO PAY THE FEE;

(2) (I) THE SUPERVISEE IS A STUDENT IN A SCHOOL, COLLEGE, OR UNIVERSITY OR IS ENROLLED IN A COURSE OF VOCATIONAL OR TECHNICAL TRAINING DESIGNED TO PREPARE THE STUDENT FOR GAINFUL EMPLOYMENT; AND

(II) CERTIFICATION OF STUDENT STATUS IS SUPPLIED TO THE DIVISION BY THE INSTITUTION IN WHICH THE SUPERVISEE IS ENROLLED;

(3) THE SUPERVISEE HAS A HANDICAP LIMITING EMPLOYMENT, AS DETERMINED BY A PHYSICAL OR PSYCHOLOGICAL EXAMINATION ACCEPTED BY THE DIVISION;

(4) THE SUPERVISEE IS RESPONSIBLE FOR THE SUPPORT OF DEPENDENTS AND THE PAYMENT OF THE FEE IS AN UNDUE HARDSHIP ON THE SUPERVISEE; OR

1 **(5) OTHER EXTENUATING CIRCUMSTANCES EXIST.**

2 **6-217.**

3 **(A) THERE IS AN INTERSTATE COMPACT FOR ADULT OFFENDER**
4 **SUPERVISION FUND.**

5 **(B) THE FUND MAY BE USED ONLY TO PAY COSTS INCURRED FOR THE**
6 **RETURN OF SUPERVISEES TO MARYLAND AS REQUIRED UNDER THE TERMS OF**
7 **THE COMPACT AND ITS RULES.**

8 **(C) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
9 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

10 **(2) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND**
11 **THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

12 **(D) THE DIVISION SHALL ADMINISTER THE FUND.**

13 **(E) THE FUND CONSISTS OF:**

14 **(1) THE APPLICATION FEES PAID BY SUPERVISEES IN**
15 **ACCORDANCE WITH § 6-216 OF THIS TITLE; AND**

16 **(2) INVESTMENT EARNINGS OF THE FUND.**

17 **(F) THE MONEY OF THE FUND SHALL BE INVESTED IN THE SAME**
18 **MANNER AS OTHER STATE MONEY.**

19 **(G) EXPENDITURES FROM THE FUND MAY BE MADE ONLY:**

20 **(1) IN ACCORDANCE WITH THE STATE BUDGET; OR**

21 **(2) BY THE BUDGET AMENDMENT PROCEDURE AS PROVIDED IN §**
22 **7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

23 **(H) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE**
24 **AUDITS UNDER § 2-1220 OF THE STATE GOVERNMENT ARTICLE.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2012.