

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental - Public Safety and Correctional Services)**

Requested: October 23, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: January 28, 1998

CHAPTER _____

1 AN ACT concerning

2 **Probation - Monthly Fees for Supervision**

3 FOR the purpose of increasing the monthly fee assessed by a court on a person placed
4 under the supervision of the Division of Parole and Probation.

5 BY repealing and reenacting, with amendments,
6 Article 27 - Crimes and Punishments
7 Section 641B
8 Annotated Code of Maryland
9 (1996 Replacement Volume and 1997 Supplement)

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

12 **Article 27 - Crimes and Punishments**

13 641B.

14 (a) In this section "supervisee" means a person placed under the supervision of
15 the Division of Parole and Probation by the court.

16 (b) Unless the defendant is exempt under subsection (d) of this section, the
17 court shall assess a monthly fee of [\$25] \$40 as a condition of supervision whenever a
18 person is placed under the supervision of the Division of Parole and Probation.

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

3 (2) The Division of Parole and Probation shall pay all moneys collected
4 under this section into the General Fund of the State.

5 (d) The court may exempt a supervisee in whole or in part from the fee
6 imposed under this section if:

7 (1) The supervisee has diligently attempted but has been unable to
8 obtain employment which provides sufficient income for the supervisee to pay the fee;

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

12 (ii) Certification of student status is supplied to the court by the
13 institution in which the supervisee is enrolled;

14 (3) The supervisee has a handicap limiting employment, as determined
15 by a physical or psychological examination accepted or ordered by the court;

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

18 (5) Other extenuating circumstances exist.

19 (e) The fee imposed by this section is in addition to court costs and fines.

20 (f) (1) The court may revoke probation for failure to make the required
21 payment of the fee assessed under this section.

22 (2) If the supervisee does not comply with the fee requirement, the
23 Division of Parole and Probation shall notify the court.

24 (3) The court shall conduct a hearing to determine if there are sufficient
25 grounds to find the supervisee in violation.

26 (4) At a hearing under this subsection, consideration may be given to:

27 (i) Any material change in the supervisee's financial status;

28 (ii) Good faith efforts of the supervisee to pay the fee; and

29 (iii) Alternative means to assure payment of the fee before
30 expiration of the period of supervision.

31 (g) (1) In addition to fees imposed under this section, the Division may
32 require a supervisee to pay for drug or alcohol abuse testing if testing is ordered by
33 the court.

1 (2) Failure to make a payment required for drug or alcohol abuse testing
2 may be considered grounds for revocation by the court.

3 (3) The Division may exempt a supervisee in whole or in part from a
4 payment for testing if the Division determines that any of the criteria provided in
5 subsection (d) of this section are applicable.

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

7 (1) Adopt guidelines for collecting the supervision fee;

8 (2) Adopt guidelines for collecting the cost of drug and alcohol testing;
9 and

10 (3) Investigate requests for an exemption from payment, if the court
11 requests an investigation.

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

13 (1) Keep records of all payments by each person; and

14 (2) Report delinquencies to the court.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect October 1, 1998.