

# HOUSE BILL 541

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3lr1777  
CF 3lr2576

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By: **Delegates Hough, Afzali, Conaway, McDermott, Mitchell, Parrott, Ready, Rosenberg, Stukes, Valentino-Smith, and Waldstreicher**

Introduced and read first time: January 30, 2013

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Certificate of Rehabilitation**

3 FOR the purpose of establishing the policy of the State to encourage the employment  
4 and reintegration into society of certain ex-offenders; authorizing the Maryland  
5 Parole Commission to issue a certain certificate of rehabilitation to a certain  
6 eligible offender who meets certain requirements; providing that a certificate of  
7 rehabilitation establishes that a certain eligible offender has been rehabilitated  
8 from certain criminal involvement; requiring the Commission to consider  
9 certain factors before issuing a certificate of rehabilitation; authorizing the  
10 Commission to conduct an investigation of an eligible offender to determine  
11 whether to issue a certificate of rehabilitation to the eligible offender;  
12 authorizing the Commission to revoke a certificate of rehabilitation under  
13 certain circumstances; providing that, in granting or revoking a certificate of  
14 rehabilitation, the action of the Commission shall be by majority vote of the  
15 members authorized to grant or revoke parole; prohibiting a person from  
16 knowingly using or attempting to use a revoked certificate of rehabilitation;  
17 defining a certain term; and generally relating to certificates of rehabilitation.

18 BY adding to

19 Article – Correctional Services

20 Section 7–209

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2012 Supplement)

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

25 **Article – Correctional Services**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **7-209.**

2 (A) IN THIS SECTION, "ELIGIBLE OFFENDER" MEANS A PERSON WHO  
3 HAS BEEN CONVICTED OF A CRIME THAT IS NOT A VIOLENT CRIME OR A SEXUAL  
4 OFFENSE.

5 (B) IT IS THE POLICY OF THE STATE TO ENCOURAGE THE EMPLOYMENT  
6 AND REINTEGRATION INTO SOCIETY OF NONVIOLENT EX-OFFENDERS WHO  
7 HAVE REHABILITATED THEMSELVES.

8 (C) THE COMMISSION MAY ISSUE A CERTIFICATE OF REHABILITATION  
9 TO AN ELIGIBLE OFFENDER WHO:

10 (1) WAS COMMITTED TO THE JURISDICTION OF THE  
11 DEPARTMENT;

12 (2) WAS RELEASED FROM A CORRECTIONAL INSTITUTION UNDER  
13 CONDITIONS OF:

14 (I) PAROLE;

15 (II) PROBATION; OR

16 (III) MANDATORY SUPERVISION; AND

17 (3) HAS SUCCESSFULLY COMPLETED THE TERM OF SUPERVISION,  
18 INCLUDING PAYING ALL REQUIRED RESTITUTION, FINES, FEES, AND OTHER  
19 FINANCIAL OBLIGATIONS.

20 (D) A CERTIFICATE OF REHABILITATION ESTABLISHES THAT THE  
21 ELIGIBLE OFFENDER TO WHOM IT HAS BEEN ISSUED HAS BEEN REHABILITATED  
22 FROM HIS OR HER PREVIOUS CRIMINAL INVOLVEMENT.

23 (E) (1) THE COMMISSION SHALL CONSIDER THE FOLLOWING  
24 FACTORS BEFORE ISSUING A CERTIFICATE OF REHABILITATION:

25 (I) THE NATURE OF EACH CONVICTION AND NUMBER OF  
26 CONVICTIONS;

27 (II) THE LENGTH OF TIME THAT HAS PASSED SINCE THE  
28 CONVICTION OR CONVICTIONS;

1 (III) WHETHER THE ELIGIBLE OFFENDER HAS MET ALL  
2 CHILD AND SPOUSAL SUPPORT OBLIGATIONS;

3 (IV) WHETHER THE ELIGIBLE OFFENDER HAS TIMELY PAID  
4 ALL STATE, FEDERAL, AND LOCAL INCOME TAXES;

5 (V) WHETHER THE ELIGIBLE OFFENDER HAS MAINTAINED A  
6 RESIDENCE FOR A SUBSTANTIAL PERIOD;

7 (VI) WHETHER THE ELIGIBLE OFFENDER HAS MAINTAINED  
8 GAINFUL EMPLOYMENT OR DEMONSTRATED OTHER ACCEPTABLE MEANS OF  
9 MEETING THE FINANCIAL NEEDS OF THE ELIGIBLE OFFENDER AND HIS OR HER  
10 DEPENDENTS;

11 (VII) EVIDENCE THAT THE ELIGIBLE OFFENDER HAS  
12 ADEQUATELY ADDRESSED ANY DRUG OR ALCOHOL ABUSE OR ADDICTION;

13 (VIII) LETTERS OF REFERENCE; AND

14 (IX) DOCUMENTATION OF THE ELIGIBLE OFFENDER'S  
15 SERVICE TO THE COMMUNITY OR SPECIFIC INDIVIDUALS IN NEED.

16 (2) THE COMMISSION MAY CONDUCT AN INVESTIGATION OF THE  
17 ELIGIBLE OFFENDER TO DETERMINE WHETHER TO ISSUE A CERTIFICATE OF  
18 REHABILITATION.

19 (F) THE COMMISSION MAY REVOKE A CERTIFICATE OF  
20 REHABILITATION IF THE ELIGIBLE OFFENDER TO WHOM THE CERTIFICATE WAS  
21 ISSUED IS SUBSEQUENTLY CONVICTED OF ANY CRIME EXCEPT A  
22 NONINCARCERABLE TRAFFIC OFFENSE.

23 (G) IN GRANTING OR REVOKING A CERTIFICATE OF REHABILITATION,  
24 THE ACTION OF THE COMMISSION SHALL BE BY MAJORITY VOTE OF THE  
25 MEMBERS AUTHORIZED TO GRANT OR REVOKE PAROLE.

26 (H) (1) A PERSON MAY NOT KNOWINGLY USE OR ATTEMPT TO USE A  
27 REVOKED CERTIFICATE OF REHABILITATION.

28 (2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS  
29 SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT  
30 TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500  
31 OR BOTH.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2013.