

HOUSE BILL 541

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3lr1777
CF SB 571

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2013

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Certificate of ~~Rehabilitation~~ Completion**

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~~ Department of Public Safety and Correctional Services to
6 issue a certain certificate of ~~rehabilitation~~ completion to a certain ~~eligible~~
7 offender who meets certain requirements; ~~providing that a certificate of~~
8 ~~rehabilitation establishes that a certain eligible offender has been rehabilitated~~
9 ~~from certain criminal involvement; requiring the Commission to consider~~
10 ~~certain factors before issuing a certificate of rehabilitation; authorizing the~~
11 ~~Commission to conduct an investigation of an eligible offender to determine~~
12 ~~whether to issue a certificate of rehabilitation to the eligible offender;~~
13 ~~authorizing the Commission to revoke a certificate of rehabilitation under~~
14 ~~certain circumstances; providing that, in granting or revoking a certificate of~~
15 ~~rehabilitation, the action of the Commission shall be by majority vote of the~~
16 ~~members authorized to grant or revoke parole; prohibiting a person from~~
17 ~~knowingly using or attempting to use a revoked certificate of rehabilitation~~
18 requiring the Department to make a certain report on or before a certain date;
19 providing for the application of this Act; defining a certain term; and generally
20 relating to certificates of ~~rehabilitation~~ completion.

21 BY adding to

22 Article – Correctional Services

23 Section ~~7-209~~ 7-103

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 Annotated Code of Maryland
2 (2008 Replacement Volume and 2012 Supplement)

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

5 Article – Correctional Services

6 ~~7-209.~~ 7-103.

7 (A) IN THIS SECTION, “~~ELIGIBLE OFFENDER~~” ~~MEANS A PERSON WHO~~
8 ~~HAS BEEN CONVICTED OF A CRIME THAT IS NOT A VIOLENT CRIME OR A SEXUAL~~
9 ~~OFFENSE~~ HAS THE MEANING STATED IN § 6-101 OF THIS ARTICLE.

10 ~~(B) IT IS THE POLICY OF THE STATE TO ENCOURAGE THE EMPLOYMENT~~
11 ~~AND REINTEGRATION INTO SOCIETY OF NONVIOLENT EX-OFFENDERS WHO~~
12 ~~HAVE REHABILITATED THEMSELVES.~~

13 ~~(C)~~ (B) THE ~~COMMISSION~~ DEPARTMENT MAY ISSUE A CERTIFICATE
14 OF REHABILITATION COMPLETION TO AN ~~ELIGIBLE~~ OFFENDER WHO:

15 ~~(1) WAS COMMITTED TO THE JURISDICTION OF THE~~
16 ~~DEPARTMENT;~~

17 ~~(2) (1) WAS RELEASED FROM A CORRECTIONAL INSTITUTION~~
18 SUPERVISED BY THE DEPARTMENT UNDER CONDITIONS OF:

19 (I) PAROLE;

20 (II) PROBATION; OR

21 (III) MANDATORY RELEASE SUPERVISION; ~~AND~~

22 ~~(3) (2) HAS SUCCESSFULLY COMPLETED THE TERM ALL~~
23 SPECIAL AND GENERAL CONDITIONS OF SUPERVISION, INCLUDING PAYING ALL
24 REQUIRED RESTITUTION, FINES, FEES, AND OTHER ~~FINANCIAL~~ PAYMENT
25 OBLIGATIONS; ~~AND~~

26 ~~(3) IS NO LONGER UNDER THE JURISDICTION OF THE~~
27 DEPARTMENT.

28 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December
29 31, 2013, the Department of Public Safety and Correctional Services shall report to the
30 Governor and, subject to § 2-1246 of the State Government Article, the General
31 Assembly on the number of certificates of completion issued under this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be
2 construed prospectively to apply only to individuals under the supervision of the
3 Department of Public Safety and Correctional Services on or after July 1, 2013.

4 ~~(D) A CERTIFICATE OF REHABILITATION ESTABLISHES THAT THE~~
5 ~~ELIGIBLE OFFENDER TO WHOM IT HAS BEEN ISSUED HAS BEEN REHABILITATED~~
6 ~~FROM HIS OR HER PREVIOUS CRIMINAL INVOLVEMENT.~~

7 ~~(E) (1) THE COMMISSION SHALL CONSIDER THE FOLLOWING~~
8 ~~FACTORS BEFORE ISSUING A CERTIFICATE OF REHABILITATION:~~

9 ~~(I) THE NATURE OF EACH CONVICTION AND NUMBER OF~~
10 ~~CONVICTIONS;~~

11 ~~(II) THE LENGTH OF TIME THAT HAS PASSED SINCE THE~~
12 ~~CONVICTION OR CONVICTIONS;~~

13 ~~(III) WHETHER THE ELIGIBLE OFFENDER HAS MET ALL~~
14 ~~CHILD AND SPOUSAL SUPPORT OBLIGATIONS;~~

15 ~~(IV) WHETHER THE ELIGIBLE OFFENDER HAS TIMELY PAID~~
16 ~~ALL STATE, FEDERAL, AND LOCAL INCOME TAXES;~~

17 ~~(V) WHETHER THE ELIGIBLE OFFENDER HAS MAINTAINED A~~
18 ~~RESIDENCE FOR A SUBSTANTIAL PERIOD;~~

19 ~~(VI) WHETHER THE ELIGIBLE OFFENDER HAS MAINTAINED~~
20 ~~GAINFUL EMPLOYMENT OR DEMONSTRATED OTHER ACCEPTABLE MEANS OF~~
21 ~~MEETING THE FINANCIAL NEEDS OF THE ELIGIBLE OFFENDER AND HIS OR HER~~
22 ~~DEPENDENTS;~~

23 ~~(VII) EVIDENCE THAT THE ELIGIBLE OFFENDER HAS~~
24 ~~ADEQUATELY ADDRESSED ANY DRUG OR ALCOHOL ABUSE OR ADDICTION;~~

25 ~~(VIII) LETTERS OF REFERENCE; AND~~

26 ~~(IX) DOCUMENTATION OF THE ELIGIBLE OFFENDER'S~~
27 ~~SERVICE TO THE COMMUNITY OR SPECIFIC INDIVIDUALS IN NEED.~~

28 ~~(2) THE COMMISSION MAY CONDUCT AN INVESTIGATION OF THE~~
29 ~~ELIGIBLE OFFENDER TO DETERMINE WHETHER TO ISSUE A CERTIFICATE OF~~
30 ~~REHABILITATION.~~

1 ~~(F) THE COMMISSION MAY REVOKE A CERTIFICATE OF~~
 2 ~~REHABILITATION IF THE ELIGIBLE OFFENDER TO WHOM THE CERTIFICATE WAS~~
 3 ~~ISSUED IS SUBSEQUENTLY CONVICTED OF ANY CRIME EXCEPT A~~
 4 ~~NONINCARCERABLE TRAFFIC OFFENSE.~~

5 ~~(G) IN GRANTING OR REVOKING A CERTIFICATE OF REHABILITATION,~~
 6 ~~THE ACTION OF THE COMMISSION SHALL BE BY MAJORITY VOTE OF THE~~
 7 ~~MEMBERS AUTHORIZED TO GRANT OR REVOKE PAROLE.~~

8 ~~(H) (1) A PERSON MAY NOT KNOWINGLY USE OR ATTEMPT TO USE A~~
 9 ~~REVOKED CERTIFICATE OF REHABILITATION.~~

10 ~~(2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS~~
 11 ~~SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT~~
 12 ~~TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500~~
 13 ~~OR BOTH.~~

14 SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
 15 effect October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.