

# HOUSE BILL 1330

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CF SB 722

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By: **Delegate Swain**

Introduced and read first time: February 7, 2014

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Reduce Incarceration in Maryland**

3 FOR the purpose of establishing the Task Force to Reduce Incarceration in Maryland;  
4 providing for the composition, chair, and staffing of the Task Force; prohibiting  
5 a member of the Task Force from receiving certain compensation, but  
6 authorizing the reimbursement of certain expenses; requiring the Task Force to  
7 meet at least once per month and hold a certain number of meetings at which  
8 the public is invited to testify; requiring the Task Force to study and make  
9 recommendations regarding certain matters; requiring the Task Force to report  
10 its findings and recommendations to the Governor and the General Assembly on  
11 or before a certain date; providing for the termination of this Act; and generally  
12 relating to the Task Force to Reduce Incarceration in Maryland.

13 Preamble

14 WHEREAS, Maryland's rates and taxpayer costs of incarceration between 1980  
15 and 2001 tripled and Maryland had a 52% increase in incarceration of nonviolent  
16 offenders, including drug offenders; and

17 WHEREAS, Despite this increase in incarceration and its associated increased  
18 burden on Maryland taxpayers, Maryland's crime statistics have not dropped in  
19 proportion to this increase; and

20 WHEREAS, Inmates released from Maryland prisons have recidivism rates  
21 between 41% and 51%; and

22 WHEREAS, Other states have successfully reformed their criminal justice and  
23 corrections systems to reduce incarceration to approximately half that of Maryland's  
24 rate by screening and targeting services to reduce offenders' recidivism; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, State and local agencies could collaborate with each other and with  
2 service providers and other stakeholders of the criminal justice and corrections system  
3 to bring about comprehensive improvements in screening, diversion, alternative  
4 sentencing, corrections services, reentry, and collateral consequences to save taxpayer  
5 costs, reduce recidivism, facilitate the employment of ex-offenders, and to help  
6 ex-offenders become positive contributors to families, communities, and the tax base;  
7 and

8 WHEREAS, Federal guidance and assistance is available through the Second  
9 Chance Act for implementation of corrections improvements through “Justice  
10 Reinvestment” funding without a long-term increase in taxes; now, therefore,

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That:

13 (a) There is a Task Force to Reduce Incarceration in Maryland.

14 (b) The Task Force consists of the following members:

15 (1) one member of the Senate of Maryland, appointed by the President  
16 of the Senate;

17 (2) one member of the House of Delegates, appointed by the Speaker of  
18 the House;

19 (3) the Secretary of Public Safety and Correctional Services, or the  
20 Secretary’s designee;

21 (4) the Secretary of Health and Mental Hygiene, or the Secretary’s  
22 designee;

23 (5) the Chair of the Maryland State Commission on Criminal  
24 Sentencing Policy, or the Chair’s designee;

25 (6) the Maryland Public Defender, or the Public Defender’s designee;

26 (7) two representatives from the Department of Human Resources,  
27 one who works in workforce development and one who works in child support  
28 enforcement, designated by the Secretary of Human Resources; and

29 (8) the following representatives, appointed by the Governor:

30 (i) a State’s Attorney;

31 (ii) a county police chief;

32 (iii) the director of a county detention center;

1 (iv) a representative of a nonprofit organization that assists  
2 ex-offenders;

3 (v) a former inmate;

4 (vi) a representative of a victim's advocacy group; and

5 (vii) a representative of a diversion program that resolves  
6 potential criminal or juvenile delinquency charges either before they are filed or, if  
7 filed, before conviction, including a community conferencing program.

8 (c) The Governor shall designate the chair of the Task Force.

9 (d) The Governor's Office of Crime Control and Prevention shall provide staff  
10 for the Task Force.

11 (e) A member of the Task Force:

12 (1) may not receive compensation as a member of the Task Force; but

13 (2) is entitled to reimbursement for expenses under the Standard  
14 State Travel Regulations, as provided in the State budget.

15 (f) The Task Force shall:

16 (1) meet at least once per month; and

17 (2) hold at least two public meetings at which the general public is  
18 invited to testify on issues being studied by the Task Force.

19 (g) The Task Force shall study and make recommendations to address the  
20 challenges of excessive criminalizing of nonviolent offenses and incarceration of  
21 nonviolent offenders, including:

22 (1) how Maryland might decriminalize drug possession offenses,  
23 including possession of marijuana;

24 (2) alternate substance abuse control strategies to reduce taxpayer  
25 costs and help juvenile offenders, particularly those disparately impacted in minority  
26 communities, to avoid the stigma of a criminal record;

27 (3) how statewide implementation of evidence-based programs, such  
28 as diversion, offender screening for risk level and treatment needs, alternatives to  
29 incarceration, and reentry initiatives, could be coordinated with local courts and local  
30 corrections programs simultaneously to reduce crime, incarceration, and taxpayer  
31 costs with federal "Justice Reinvestment" funding;

1                   (4)    how Maryland's prisons and detention centers could be improved  
2 by:

3                   (i)    employing early screening and targeted rehabilitation  
4 services for individual offenders' needs;

5                   (ii)   appropriately limiting solitary confinement;

6                   (iii)   increasing employment programs;

7                   (iv)   depoliticizing parole by removing the Governor's  
8 involvement in individual cases; and

9                   (v)   facilitating inmates' successful reentry into communities  
10 with logistical and fiscal cooperation of State prisons, local detention centers, the  
11 Maryland Parole Commission, and courts; and

12                  (5)    statewide employment initiatives to assist residents to successfully  
13 complete corrections programs, including:

14                  (i)    employers' tax incentives;

15                  (ii)   certificates of rehabilitation;

16                  (iii)   expungement of certain nonviolent misdemeanor offenses  
17 after 5 years of good conduct; and

18                  (iv)   mitigation of other collateral consequences of conviction.

19                  (h)    On or before December 31, 2014, the Task Force shall report its findings  
20 and recommendations to the Governor and, in accordance with § 2-1246 of the State  
21 Government Article, the General Assembly.

22                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 June 1, 2014. It shall remain effective for a period of 1 year and 1 month and, at the  
24 end of June 30, 2015, with no further action required by the General Assembly, this  
25 Act shall be abrogated and of no further force and effect.