

# SENATE BILL 722

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By: **Senators Benson, Currie, Forehand, Pinsky, Ramirez, and Stone**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

AN ACT concerning

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

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

#### Preamble

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

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

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

WHEREAS, Other states have successfully reformed their criminal justice and corrections systems to reduce incarceration to approximately half that of Maryland's 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.



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

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

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

- (a) There is a Task Force to Reduce Incarceration in Maryland.
- (b) The Task Force consists of the following members:
  - (1) one member of the Senate of Maryland, appointed by the President of the Senate;
  - (2) one member of the House of Delegates, appointed by the Speaker of the House;
  - (3) the Secretary of Public Safety and Correctional Services, or the Secretary’s designee;
  - (4) the Secretary of Health and Mental Hygiene, or the Secretary’s designee;
  - (5) the Chair of the Maryland State Commission on Criminal Sentencing Policy, or the Chair’s designee;
  - (6) the Maryland Public Defender, or the Public Defender’s designee;
  - (7) two representatives from the Department of Human Resources, one who works in workforce development and one who works in child support enforcement, designated by the Secretary of Human Resources; and
  - (8) the following representatives, appointed by the Governor:
    - (i) a State’s Attorney;
    - (ii) a county police chief;
    - (iii) the director of a county detention center;

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

(v) a former inmate;

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

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

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

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

(e) A member of the Task Force:

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

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

(f) The Task Force shall:

(1) meet at least once per month; and

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

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

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

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

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

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

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

(ii) appropriately limiting solitary confinement;

(iii) increasing employment programs;

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

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

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

(i) employers' tax incentives;

(ii) certificates of rehabilitation;

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

(iv) mitigation of other collateral consequences of conviction.

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

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