

SENATE BILL 768

E4

6lr2932

By: **Senators Peters, Hough, McFadden, and Zirkin**

Introduced and read first time: February 5, 2016

Assigned to: Budget and Taxation and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Justice Reinvestment Oversight Board**

3 FOR the purpose of establishing the Justice Reinvestment Oversight Board; providing for
4 the membership, duties, staffing, procedures, and reporting of the Justice
5 Reinvestment Oversight Board; establishing the Performance Incentive Grant Fund
6 as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the
7 Executive Director of the Governor's Office of Crime Control and Prevention to
8 administer the Fund; requiring the State Treasurer to hold the Fund and the
9 Comptroller to account for the Fund; specifying the contents of the Fund; specifying
10 the purpose for which the Fund may be used; providing for the investment of money
11 in and expenditures from the Fund; establishing the Local Government Justice
12 Reinvestment Commission; providing for the membership, duties, staffing,
13 procedures, and reporting of the Local Government Justice Reinvestment
14 Commission; and generally relating to the Justice Reinvestment Oversight Board.

15 BY adding to

16 Article – State Government
17 Section 9–3201 through 9–3212 to be under the new subtitle “Subtitle 32. Justice
18 Reinvestment Oversight Board”
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2015 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article – State Finance and Procurement
23 Section 6–226(a)(2)(i)
24 Annotated Code of Maryland
25 (2015 Replacement Volume)

26 BY repealing and reenacting, with amendments,

27 Article – State Finance and Procurement
28 Section 6–226(a)(2)(ii)84. and 85.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2015 Replacement Volume)

3 BY adding to
4 Article – State Finance and Procurement
5 Section 6–226(a)(2)(ii)86.
6 Annotated Code of Maryland
7 (2015 Replacement Volume)

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

10 **Article – State Government**

11 **SUBTITLE 32. JUSTICE REINVESTMENT OVERSIGHT BOARD.**

12 **9–3201.**

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (B) “BOARD” MEANS THE JUSTICE REINVESTMENT OVERSIGHT BOARD.

16 (C) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE
17 GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

18 **9–3202.**

19 THERE IS A JUSTICE REINVESTMENT OVERSIGHT BOARD IN THE
20 GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

21 **9–3203.**

22 (A) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

23 (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE
24 PRESIDENT OF THE SENATE;

25 (2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE
26 SPEAKER OF THE HOUSE;

27 (3) THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR’S
28 DESIGNEE;

1 **(4) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL**
2 **SERVICES, OR THE SECRETARY’S DESIGNEE;**

3 **(5) THE SECRETARY OF STATE POLICE, OR THE SECRETARY’S**
4 **DESIGNEE;**

5 **(6) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL’S**
6 **DESIGNEE;**

7 **(7) THE PUBLIC DEFENDER, OR THE PUBLIC DEFENDER’S**
8 **DESIGNEE;**

9 **(8) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE**
10 **SECRETARY’S DESIGNEE;**

11 **(9) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE**
12 **SECRETARY’S DESIGNEE;**

13 **(10) THE CHAIR OF THE LOCAL GOVERNMENT JUSTICE**
14 **REINVESTMENT COMMISSION, OR THE CHAIR’S DESIGNEE;**

15 **(11) ONE MEMBER APPOINTED BY THE CHIEF JUDGE OF THE COURT**
16 **OF APPEALS;**

17 **(12) ONE MEMBER APPOINTED BY THE CHIEF JUDGE OF THE DISTRICT**
18 **COURT OF MARYLAND; AND**

19 **(13) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE GOVERNOR**
20 **WITH THE ADVICE AND CONSENT OF THE SENATE:**

21 **(I) ONE MEMBER REPRESENTING VICTIMS OF CRIME;**

22 **(II) ONE MEMBER REPRESENTING THE MARYLAND STATE’S**
23 **ATTORNEYS’ ASSOCIATION;**

24 **(III) ONE MEMBER REPRESENTING LAW ENFORCEMENT; AND**

25 **(IV) ONE MEMBER REPRESENTING THE MARYLAND**
26 **CORRECTIONAL ADMINISTRATORS ASSOCIATION.**

27 **(B) TO THE EXTENT PRACTICABLE, IN MAKING APPOINTMENTS UNDER THIS**
28 **SECTION, THE GOVERNOR SHALL ENSURE GEOGRAPHIC DIVERSITY AMONG THE**
29 **MEMBERSHIP OF THE BOARD.**

1 **(C) (1) THE TERM OF AN APPOINTED MEMBER OF THE BOARD IS 4 YEARS.**

2 **(2) THE TERMS OF THE APPOINTED MEMBERS OF THE BOARD ARE**
3 **STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD**
4 **ON OCTOBER 1, 2016.**

5 **(3) AT THE END OF A TERM, AN APPOINTED MEMBER:**

6 **(I) IS ELIGIBLE FOR REAPPOINTMENT; AND**

7 **(II) CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED**
8 **AND QUALIFIES.**

9 **(4) A MEMBER WHO IS APPOINTED OR REAPPOINTED AFTER A TERM**
10 **HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A**
11 **SUCCESSOR IS APPOINTED AND QUALIFIES.**

12 **9-3204.**

13 **(A) THE EXECUTIVE DIRECTOR IS THE CHAIR OF THE BOARD.**

14 **(B) WITH THE APPROVAL OF THE BOARD, THE CHAIR MAY APPOINT A VICE**
15 **CHAIR WHO SHALL HAVE THE DUTIES ASSIGNED BY THE CHAIR.**

16 **9-3205.**

17 **(A) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A**
18 **QUORUM.**

19 **(B) THE BOARD SHALL MEET AT LEAST TWICE EACH YEAR AT THE TIMES**
20 **AND PLACES DETERMINED BY THE BOARD OR ITS CHAIR.**

21 **(C) A MEMBER OF THE BOARD:**

22 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD;**
23 **BUT**

24 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
25 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

26 **9-3206.**

1 THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL
2 PROVIDE STAFF FOR THE BOARD.

3 9-3207.

4 (A) THE BOARD SHALL:

5 (1) CONSIDER THE RECOMMENDATIONS OF THE LOCAL
6 GOVERNMENT JUSTICE REINVESTMENT COMMISSION AND ANY LEGISLATION,
7 REGULATIONS, RULES, BUDGETARY CHANGES, OR OTHER ACTIONS TAKEN TO
8 IMPLEMENT THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT
9 COORDINATING COUNCIL;

10 (2) MAKE ADDITIONAL LEGISLATIVE AND BUDGETARY
11 RECOMMENDATIONS FOR FUTURE DATA-DRIVEN, FISCALLY SOUND CRIMINAL
12 JUSTICE POLICY CHANGES;

13 (3) COLLECT AND ANALYZE THE DATA SUBMITTED UNDER § 9-3208
14 OF THIS SUBTITLE REGARDING PRETRIAL DETAINEES;

15 (4) CREATE PERFORMANCE MEASURES TO ASSESS THE
16 EFFECTIVENESS OF THE GRANTS; AND

17 (5) CONSULT AND COORDINATE WITH:

18 (I) THE LOCAL GOVERNMENT JUSTICE REINVESTMENT
19 COMMISSION; AND

20 (II) OTHER UNITS OF THE STATE AND LOCAL JURISDICTIONS
21 CONCERNING JUSTICE REINVESTMENT ISSUES.

22 (B) THE BOARD MAY ENTER INTO AN AGREEMENT WITH AN ACADEMIC
23 INSTITUTION OR ANOTHER SIMILAR ENTITY THAT IS QUALIFIED TO COLLECT AND
24 INTERPRET DATA IN ORDER TO ASSIST THE BOARD WITH ITS DUTIES.

25 9-3208.

26 (A) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES,
27 THE MARYLAND PAROLE COMMISSION, THE ADMINISTRATIVE OFFICE OF THE
28 COURTS, AND THE MARYLAND STATE COMMISSION ON CRIMINAL SENTENCING
29 POLICY SHALL COLLECT AND REPORT DATA TO THE BOARD RELATING TO
30 INFORMATION REQUESTED BY THE BOARD IN ORDER FOR THE BOARD TO PERFORM
31 ITS DUTIES UNDER § 9-3207 OF THIS SUBTITLE, INCLUDING DATA RELATING TO:

1 **(1) THE ADMISSION OF INMATES TO STATE AND LOCAL**
2 **CORRECTIONAL FACILITIES;**

3 **(2) THE LENGTH OF INMATE SENTENCES;**

4 **(3) THE LENGTH OF TIME BEING SERVED BY INMATES; AND**

5 **(4) DEMOGRAPHIC INFORMATION ABOUT THE INMATE POPULATION.**

6 **(B) ON OR BEFORE MARCH 31 EACH YEAR, EACH COUNTY, THE DIVISION OF**
7 **PRETRIAL DETENTION AND SERVICES, AND THE ADMINISTRATIVE OFFICE OF THE**
8 **COURTS SHALL REPORT TO THE BOARD THE FOLLOWING INFORMATION FOR THE**
9 **PRIOR CALENDAR YEAR REGARDING INMATES HELD IN PRETRIAL DETENTION:**

10 **(1) THE NUMBER OF PRETRIAL INMATES DETAINED ON THE SAME DAY**
11 **EACH YEAR;**

12 **(2) THE LENGTH OF TIME THE PRETRIAL INMATES HAVE BEEN**
13 **DETAINED;**

14 **(3) THE REASON WHY EACH INMATE WAS UNABLE TO SECURE**
15 **RELEASE; AND**

16 **(4) THE DISPOSITION OF EACH CASE.**

17 **9-3209.**

18 **(A) THERE IS A PERFORMANCE INCENTIVE GRANT FUND.**

19 **(B) (1) THE PURPOSE OF THE FUND IS TO MAKE USE OF THE SAVINGS**
20 **FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE**
21 **REINVESTMENT COORDINATING COUNCIL.**

22 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD**
23 **MAY RECOMMEND TO THE EXECUTIVE DIRECTOR THAT GRANTS BE MADE TO:**

24 **(I) ENSURE THAT THE RIGHTS OF CRIME VICTIMS ARE**
25 **PROTECTED AND ENHANCED;**

26 **(II) PROVIDE FOR PRETRIAL RISK ASSESSMENTS;**

27 **(III) PROVIDE FOR SERVICES TO REDUCE PRETRIAL DETENTION;**

1 (IV) PROVIDE FOR DIVERSION PROGRAMS, INCLUDING
2 MEDIATION AND RESTORATIVE JUSTICE PROGRAMS;

3 (V) PROVIDE FOR SUBSTANCE ABUSE AND MENTAL HEALTH
4 PROGRAMS;

5 (VI) PROVIDE FOR SPECIALTY COURTS;

6 (VII) PROVIDE FOR REENTRY PROGRAMS; AND

7 (VIII) PROVIDE FOR ANY OTHER PROGRAM OR SERVICE THAT
8 WILL FURTHER THE PURPOSES ESTABLISHED IN PARAGRAPH (1) OF THIS
9 SUBSECTION.

10 (3) AT LEAST 5% OF THE GRANTS PROVIDED TO A COUNTY SHALL BE
11 USED TO FUND PROGRAMS AND SERVICES TO ENSURE THAT THE RIGHTS OF CRIME
12 VICTIMS ARE PROTECTED AND ENHANCED.

13 (4) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND
14 PREVENTION SHALL RECEIVE FROM THE FUND EACH FISCAL YEAR THE AMOUNT
15 NECESSARY TO OFFSET THE COSTS OF ADMINISTERING THE FUND.

16 (C) (1) SUBJECT TO THE AUTHORITY OF THE EXECUTIVE DIRECTOR, THE
17 BOARD SHALL ADMINISTER THE FUND.

18 (2) THE EXECUTIVE DIRECTOR MAY APPROVE OR DISAPPROVE ANY
19 GRANTS FROM THE FUND.

20 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
21 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

22 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
23 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

24 (E) THE FUND CONSISTS OF:

25 (1) MONEY APPROPRIATED IN THE STATE BUDGET;

26 (2) INTEREST EARNED ON MONEY IN THE FUND; AND

27 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
28 THE BENEFIT OF THE FUND.

1 (F) THE FUND MAY BE USED ONLY FOR THE PURPOSES ESTABLISHED IN
2 SUBSECTION (B) OF THIS SECTION.

3 (G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
4 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

5 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
6 THE FUND.

7 (H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
8 WITH THE STATE BUDGET.

9 (I) MONEY EXPENDED FROM THE FUND FOR PROGRAMS TO REDUCE
10 RECIDIVISM AND CONTROL CORRECTIONAL COSTS IS SUPPLEMENTAL TO AND IS
11 NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE
12 APPROPRIATED FOR THESE PURPOSES.

13 9-3210.

14 THE BOARD MAY PERFORM ANY ACT NECESSARY AND APPROPRIATE TO
15 CARRY OUT THE POWERS AND DUTIES SET FORTH IN THIS SUBTITLE.

16 9-3211.

17 (A) IN THIS SECTION, "COMMISSION" MEANS THE LOCAL GOVERNMENT
18 JUSTICE REINVESTMENT COMMISSION.

19 (B) THERE IS A LOCAL GOVERNMENT JUSTICE REINVESTMENT
20 COMMISSION.

21 (C) THE COMMISSION SHALL:

22 (1) ADVISE THE BOARD ON MATTERS RELATED TO LEGISLATION,
23 REGULATIONS, RULES, BUDGETARY CHANGES, AND ALL OTHER ACTIONS NEEDED TO
24 IMPLEMENT THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT
25 COORDINATING COUNCIL AS THEY RELATE TO LOCAL GOVERNMENTS;

26 (2) MAKE RECOMMENDATIONS TO THE BOARD REGARDING GRANTS
27 TO LOCAL GOVERNMENTS FROM THE FUND; AND

28 (3) CREATE PERFORMANCE MEASURES TO ASSESS THE
29 EFFECTIVENESS OF THE GRANTS.

1 6–226.

2 (a) (2) (i) Notwithstanding any other provision of law, and unless
3 inconsistent with a federal law, grant agreement, or other federal requirement or with the
4 terms of a gift or settlement agreement, net interest on all State money allocated by the
5 State Treasurer under this section to special funds or accounts, and otherwise entitled to
6 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
7 Fund of the State.

8 (ii) The provisions of subparagraph (i) of this paragraph do not apply
9 to the following funds:

10 84. the Economic Development Marketing Fund; [and]

11 85. the Military Personnel and Veteran–Owned Small
12 Business No–Interest Loan Fund; AND

13 **86. THE PERFORMANCE INCENTIVE GRANT FUND.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
15 appointed members of the Justice Reinvestment Oversight Board shall expire as follows:

16 (1) two members in 2017;

17 (2) two members in 2018;

18 (3) two members in 2019; and

19 (4) two members in 2020.

20 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
21 members of the Local Government Justice Reinvestment Commission shall expire as
22 follows:

23 (1) six members in 2017;

24 (2) six members in 2018;

25 (3) six members in 2019; and

26 (4) six members in 2020.

27 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2016.