

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 254
Judiciary

(Delegate Moon, *et al.*)

Division of Parole and Probation - Revocation Prohibited - Citation

This bill prohibits the Division of Parole and Probation (DPP) from issuing a warrant for the retaking or arrest of an offender or a probationer or sending a notice of violation to the court for the sole reason that the offender or probationer received a citation for the commission of a nonjailable civil offense.

The bill applies prospectively.

Fiscal Summary

State Effect: The bill is not expected to significantly affect the operations or finances of DPP or the District Court. Generally, DPP does not track nonjailable civil offenses committed by persons under supervision. Accordingly, the bill should not affect caseloads of DPP or violation of probation hearings for the District Court.

Local Effect: Minimal. The bill is not expected to significantly affect the operations or finances of the circuit courts.

Small Business Effect: None.

Analysis

Current Law/Background: DPP agents and monitors are notified of offender arrests on a daily basis via automated data processes maintained through the Information Technology and Communications Division of the Department of Public Safety and Correctional Services. However, although a supervisee may self-report the receipt of a nonjailable civil citation, there is no automated notification for civil citations that have been issued to

offenders. If an agent or monitor learns that a civil citation was issued to an offender during the course of supervision, the agent or monitor may report the matter to the court or the Maryland Parole Commission (MPC) for informational purposes and for whatever action the court or MPC deems necessary. A revocation of parole or probation does not typically result solely from a reported civil citation.

Chapter 158 of 2014 made the possession of less than 10 grams of marijuana a civil offense punishable by a fine of up to \$100 for a first offense and \$250 for a second offense. The maximum fine for a third or subsequent offense is \$500. If a person commits a third or subsequent violation, or is younger than age 21, the court must summon the person for trial upon issuance of a citation. Additionally, the court must order a person who (1) commits a third or subsequent violation or (2) is younger than age 21 and commits a violation, to attend an approved drug education program and refer the person to an assessment for a substance abuse disorder. After the assessment, the court must refer the person to substance abuse treatment, if necessary. Chapter 4 of 2016 made the use or possession of marijuana involving smoking marijuana in a public place is a civil offense, punishable by a fine of up to \$500.

The general conditions for every probation includes a statement that the person obey all laws and not illegally possess, use, or sell any narcotic drug, controlled dangerous substance, or related paraphernalia. In addition to the general conditions, the court, in its discretion, may impose special conditions as deemed appropriate to the individual.

Additional Information

Prior Introductions: HB 615 of 2015, a similar bill, passed the House with amendments but received an unfavorable report from the Senate Judicial Proceedings Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2016
mel/lgc

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