

HOUSE BILL 1225

P1, E2

8lr3233
CF SB 987

By: **Delegate Dumais**

Introduced and read first time: February 8, 2018

Assigned to: Judiciary and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **State Finance and Procurement – Grant to Individual Erroneously Convicted,**
3 **Sentenced, and Confined**

4 FOR the purpose of altering a provision of law to require, rather than authorize, the Board
5 of Public Works to pay a certain grant to a certain individual who has been
6 erroneously convicted, sentenced, and confined; requiring a certain grant made by
7 the Board to include certain amounts; repealing a provision of law limiting eligibility
8 for a certain grant to certain situations in which a State's Attorney has certified that
9 a conviction was in error under a certain provision of law; repealing a provision of
10 law prohibiting the Board from paying a certain part of a certain grant to any
11 individual other than an erroneously convicted individual; repealing a provision of
12 law prohibiting an individual from paying a certain part of a certain grant received
13 to another person for certain services; establishing certain reporting requirements;
14 requiring the Board to provide certain services to an individual who receives a
15 certain grant; requiring the Board to contact a certain individual within a certain
16 period of time to develop a certain plan for providing certain services; establishing
17 the purpose of a plan developed under this Act; allowing an individual a subtraction
18 modification under the Maryland income tax for the amount of a certain grant to and
19 the value of certain services received by a person erroneously convicted, sentenced,
20 and confined under State law; making conforming changes; providing for the
21 application of this Act; and generally relating to grants to individuals erroneously
22 convicted, sentenced, and confined.

23 BY repealing and reenacting, with amendments,
24 Article – State Finance and Procurement
25 Section 10–501
26 Annotated Code of Maryland
27 (2015 Replacement Volume and 2017 Supplement)

28 BY adding to
29 Article – State Finance and Procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 10–502
2 Annotated Code of Maryland
3 (2015 Replacement Volume and 2017 Supplement)

4 BY repealing and reenacting, without amendments,
5 Article – Tax – General
6 Section 10–207(a)
7 Annotated Code of Maryland
8 (2016 Replacement Volume and 2017 Supplement)

9 BY adding to
10 Article – Tax – General
11 Section 10–207(gg)
12 Annotated Code of Maryland
13 (2016 Replacement Volume and 2017 Supplement)

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

16 **Article – State Finance and Procurement**

17 10–501.

18 (a) (1) Subject to subsection (b) of this section, the Board of Public Works
19 [may] **SHALL** grant to an individual erroneously convicted, sentenced, and confined under
20 State law for a crime the individual did not commit an amount commensurate with the
21 actual damages sustained by the individual, and may grant a reasonable amount for any
22 financial or other appropriate counseling for the individual, due to the confinement.

23 (2) **A GRANT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL**
24 **INCLUDE:**

25 (I) **AT LEAST \$50,000 FOR EACH YEAR THAT THE INDIVIDUAL**
26 **WAS IN CUSTODY; AND**

27 (II) **A REASONABLE AMOUNT NOT EXCEEDING \$10,000 FOR**
28 **PAYMENT OF THE INDIVIDUAL’S LIVING EXPENSES ON RELEASE FROM**
29 **CONFINEMENT.**

30 (3) In making a grant under paragraph (1) of this subsection, the Board of
31 Public Works shall use money in the General Emergency Fund or money that the Governor
32 provides in the annual budget.

33 (b) An individual is eligible for a grant under subsection (a) of this section if:

34 (1) the individual has received from the Governor a full pardon stating that

1 the individual's conviction has been shown conclusively to be in error; or

2 (2) the State's Attorney certifies that the individual's conviction was in
3 error [under § 8-301 of the Criminal Procedure Article].

4 (c) The Board of Public Works may pay the grant determined under subsection
5 (a) of this section in a lump sum or in installments.

6 [(d) (1) The Board of Public Works may not pay any part of a grant made under
7 this section to any individual other than the erroneously convicted individual.

8 (2) (i) An individual may not pay any part of a grant received under
9 this section to another person for services rendered in connection with the collection of the
10 grant.

11 (ii) An obligation incurred in violation of this paragraph is void.

12 (iii) A payment made in violation of this paragraph shall be forfeited
13 to the State.

14 (e) This section does not prohibit an individual from contracting for services to:

15 (1) determine the individual's innocence;

16 (2) obtain a pardon; or

17 (3) obtain the individual's release from confinement.]

18 **(D) ON OR BEFORE DECEMBER 31, 2018, AND ANNUALLY THEREAFTER, THE**
19 **BOARD OF PUBLIC WORKS SHALL REPORT TO THE GENERAL ASSEMBLY, IN**
20 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON ANY**
21 **GRANTS AWARDED UNDER THIS SECTION.**

22 **10-502.**

23 **(A) FOR AN INDIVIDUAL WHO RECEIVES A GRANT UNDER § 10-501 OF THIS**
24 **SUBTITLE, THE BOARD OF PUBLIC WORKS SHALL ALSO PROVIDE TO THE**
25 **INDIVIDUAL FREE OF CHARGE:**

26 **(1) A STATE IDENTIFICATION CARD AND ANY OTHER DOCUMENT**
27 **NECESSARY FOR THE INDIVIDUAL'S HEALTH OR WELFARE ON THE INDIVIDUAL'S**
28 **RELEASE FROM CONFINEMENT;**

29 **(2) HOUSING ACCOMMODATIONS AVAILABLE ON THE INDIVIDUAL'S**
30 **RELEASE FROM CONFINEMENT;**

1 **(3) EDUCATION AND TRAINING RELEVANT TO LIFE SKILLS AND JOB**
 2 **AND VOCATIONAL TRAINING FOR A PERIOD OF TIME UNTIL THE INDIVIDUAL ELECTS**
 3 **NO LONGER TO RECEIVE THE EDUCATION AND TRAINING;**

4 **(4) HEALTH CARE AND DENTAL CARE FOR AT LEAST 5 YEARS AFTER**
 5 **THE INDIVIDUAL'S RELEASE FROM CONFINEMENT; AND**

6 **(5) ACCESS TO ENROLLMENT AT AND PAYMENT OF TUITION AND FEES**
 7 **FOR ATTENDING A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION, A REGIONAL**
 8 **HIGHER EDUCATION CENTER, OR THE BALTIMORE CITY COMMUNITY COLLEGE FOR**
 9 **A PERIOD OF ENROLLMENT NOT EXCEEDING 5 YEARS.**

10 **(B) (1) THE BOARD OF PUBLIC WORKS SHALL CONTACT AN INDIVIDUAL**
 11 **PRIOR TO THE INDIVIDUAL'S RELEASE FROM CONFINEMENT TO DEVELOP A PLAN**
 12 **FOR PROVIDING SERVICES UNDER THIS SECTION.**

13 **(2) THE PURPOSE OF THE PLAN DEVELOPED UNDER THIS**
 14 **SUBSECTION IS TO ENSURE THAT THE INDIVIDUAL IS ABLE TO SUCCESSFULLY**
 15 **REENTER AND REINTEGRATE INTO THE COMMUNITY AFTER THE INDIVIDUAL HAS**
 16 **BEEN RELEASED FROM CONFINEMENT.**

17 **(C) ON OR BEFORE DECEMBER 31, 2018, AND ANNUALLY THEREAFTER, THE**
 18 **BOARD OF PUBLIC WORKS SHALL REPORT TO THE GENERAL ASSEMBLY, IN**
 19 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE**
 20 **SERVICES PROVIDED UNDER THIS SECTION.**

21 **Article – Tax – General**

22 10-207.

23 (a) To the extent included in federal adjusted gross income, the amounts under
 24 this section are subtracted from the federal adjusted gross income of a resident to determine
 25 Maryland adjusted gross income.

26 **(GG) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES**
 27 **THE AMOUNT OF A GRANT UNDER § 10-501 OF THE STATE FINANCE AND**
 28 **PROCUREMENT ARTICLE AND THE VALUE OF ANY SERVICES RECEIVED UNDER §**
 29 **10-502 OF THE STATE FINANCE AND PROCUREMENT ARTICLE BY A PERSON**
 30 **ERRONEOUSLY CONVICTED, SENTENCED, AND CONFINED UNDER STATE LAW.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 32 1, 2018, and shall be applicable to all taxable years beginning after December 31, 2018.