

Bill Number: HB 402

Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF HB 402

I write in support of House Bill 402 that changes the definition of absconding in Correctional Services § 6-101. Pursuant to the Justice Reinvestment Act passed a few years ago, the legislature changed many rules for those who violated their probation. The purpose of the change was so that those who commit minor or "technical violations" of their probation were not subjected to lengthy jail sentences. Research has shown that short sentences for technical violations were the best way to get probationers' attention without doing further damage to jobs and other aspects of life. For a 1st technical violation of probation, a defendant can receive no more than 15 days in jail.

The statutory scheme defined technical violations as every violation of probation except:

- 1) An arrest or a summons issued by a commissioner on a statement of charges filed by a law enforcement
- 2) A violation of a criminal prohibition other than a minor traffic offense
- 3) A violation of a no-contact or stay-away order; or
- 4) Absconding

The Justice Reinvestment Act also recognized the importance of treatment programs particularly with regards to drug and alcohol treatment. That is why Health General Article § 8-501 was expanded – it was to provide inpatient drug treatment in lieu of jail. Currently, if a person absconds from their inpatient drug treatment program, this is treated as a technical violation of probation. This means limited time in jail which could affect the health and safety of the defendant in question.

If you have a drug problem and a Judge lets you out of jail and into a drug treatment program and you leave, this technical violation can only get you 15 days in jail. This likely will put those with a drug problem back on the street and without the treatment.

Changing the definition of absconding gives the Judge more options which hopefully will include another attempt at inpatient drug treatment.

I request a favorable report.