

CF 7r0648

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**By: Delegate Taylor and Chairman, Judiciary Committee (Family Violence Council), and Delegates Dewberry, Hurson, Arnick, Busch, Curran, Harrison, Hixson, Kopp, Menes, Owings, Rawlings, Hecht, Grosfeld, Montague, Preis, Love, Pendergrass, Conway, Cadden, Brinkley, Petzold, Nathan-Pulliam, Willis, McIntosh, Parker, B. Hughes, Rosenberg, Branch, Edwards, Donoghue, Franchot, Bobo, Eckardt, Stup, Watson, Mandel, Conroy, Fry, Hubbard, and Pitkin**

Introduced and read first time: January 30, 1997

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 1997

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Parole and Probation - Supervision Fees - Family Violence Units**

3 FOR the purpose of increasing the monthly fee assessed by a court for the supervision of  
4 a person who is placed under the supervision of the Division of Parole and  
5 Probation; requiring the Division of Parole and Probation to dedicate a certain  
6 portion of the moneys collected under this Act to family violence units; and  
7 generally relating to supervision fees collected by the Division of Parole and  
8 Probation.

9 BY repealing and reenacting, with amendments,  
10 Article 27 - Crimes and Punishments  
11 Section 641B  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume)

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

16 **Article 27 - Crimes and Punishments**

17 641B.

18 (a) In this section "supervisee" means a person placed under the supervision of  
19 the Division of Parole and Probation by the court.

2

1 (b) Unless the defendant is exempt under subsection (d) of this section, the court  
2 shall assess a monthly fee of [\$25] ~~\$40~~ \$50 as a condition of supervision whenever a  
3 person is placed under the supervision of the Division of Parole and Probation.

4 (c) (1) The fee assessed under this section shall be paid to the Division of  
5 Parole and Probation.

6 (2) [The] FROM EACH FEE COLLECTED UNDER THIS SECTION, THE  
7 Division of Parole and Probation shall [pay all moneys collected under this section]:

8 (I) PAY \$25 into the General Fund of the State; AND

9 (II) DEDICATE ~~\$15~~ \$25 TO ITS BUDGET FOR SPECIALIZED FAMILY  
10 VIOLENCE UNITS.

11 (d) The court may exempt a supervisee in whole or in part from the fee imposed  
12 under this section if:

13 (1) The supervisee has diligently attempted but has been unable to obtain  
14 employment which provides sufficient income for the supervisee to pay the fee;

15 (2) (i) The supervisee is a student in a school, college, university, or  
16 enrolled in a course of vocational or technical training designed to prepare the student  
17 for gainful employment; and

18 (ii) Certification of student status is supplied to the court by the  
19 institution in which the supervisee is enrolled;

20 (3) The supervisee has a handicap limiting employment, as determined by a  
21 physical or psychological examination accepted or ordered by the court;

22 (4) The supervisee is responsible for the support of dependents and the  
23 payment of the fee constitutes an undue hardship on the supervisee; or

24 (5) Other extenuating circumstances exist.

25 (e) The fee imposed by this section is in addition to court costs and fines.

26 (f) (1) The court may revoke probation for failure to make the required  
27 payment of the fee assessed under this section.

28 (2) If the supervisee does not comply with the fee requirement, the Division  
29 of Parole and Probation shall notify the court.

30 (3) The court shall conduct a hearing to determine if there are sufficient  
31 grounds to find the supervisee in violation.

32 (4) At a hearing under this subsection, consideration may be given to:

33 (i) Any material change in the supervisee's financial status;

34 (ii) Good faith efforts of the supervisee to pay the fee; and

35 (iii) Alternative means to assure payment of the fee before expiration  
36 of the period of supervision.

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1 (g) (1) In addition to fees imposed under this section, the Division may require  
2 a supervisee to pay for drug or alcohol abuse testing if testing is ordered by the court.

3 (2) Failure to make a payment required for drug or alcohol abuse testing  
4 may be considered grounds for revocation by the court.

5 (3) The Division may exempt a supervisee in whole or in part from a  
6 payment for testing if the Division determines that any of the criteria provided in  
7 subsection (d) of this section are applicable.

8 (h) The Division of Parole and Probation shall:

9 (1) Adopt guidelines for collecting the supervision fee;

10 (2) Adopt guidelines for collecting the cost of drug and alcohol testing; and

11 (3) Investigate requests for an exemption from payment, if the court  
12 requests an investigation.

13 (i) The Division of Parole and Probation shall:

14 (1) Keep records of all payments by each person; and

15 (2) Report delinquencies to the court.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 1997.