
By: Senator McFadden

Introduced and read first time: February 24, 1997

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Public Safety and Correctional Services - Commission on Recidivism and**
3 **Solutions to Crime**

4 FOR the purpose of establishing a Commission on Recidivism and Solutions to Crime in
5 the Department of Public Safety and Correctional Services; establishing the duties
6 and responsibilities of the Commission; providing for membership of the
7 Commission; requiring the Commission to submit an annual report; and generally
8 relating to the Commission on Recidivism and Solutions to Crime in the
9 Department of Public Safety and Correctional Services.

10 BY adding to

11 Article 41 - Governor - Executive and Administrative Departments
12 Section 4-1701
13 Annotated Code of Maryland
14 (1997 Replacement Volume)

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

17 **Article 41 - Governor - Executive and Administrative Departments**

18 4-1701.

19 (A) THERE IS A COMMISSION ON RECIDIVISM AND SOLUTIONS TO CRIME IN
20 THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

21 (B) THE PURPOSE OF THE COMMISSION ON RECIDIVISM AND SOLUTIONS TO
22 CRIME SHALL BE TO:

23 (1) UTILIZE EXISTING RESOURCES WITHIN THE DEPARTMENT
24 INCLUDING PERSONS INCARCERATED IN THE DIVISION OF CORRECTION OR THE
25 DEPARTMENTAL INFORMATION GATHERED ABOUT THEM, EXISTING RESOURCES
26 OF OTHER STATE AGENCIES, AND OTHER AVAILABLE RESOURCES TO:

27 (I) STUDY AND PROPOSE IMPROVED REPORTING METHODS TO
28 DEMONSTRATE BOTH QUANTITATIVELY AND QUALITATIVELY THE LEVEL AND
29 INCIDENCE OF CRIMES, ESPECIALLY THOSE COMMITTED BY REPEAT OFFENDERS;

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1 (II) IDENTIFY AND EXPLORE THE MAJOR FACTORS CONTRIBUTING
2 TO RECIDIVISM WITH EMPHASIS ON THE INFLUENCES OF SUBSTANCE ABUSE,
3 EDUCATION, AND EMPLOYMENT; AND

4 (III) COLLECT DATA ON AFTERCARE SERVICES PROVIDED BY
5 MARYLAND AGENCIES, DEPARTMENTS, AND UNITS OF PRIVATE, NONPROFIT, AND
6 PUBLIC ENTITIES.

7 (2) UTILIZE RESOURCES WITHIN THE DEPARTMENT SUCH AS PRISON
8 INMATES WHO HAVE RETURNED TO PRISON ON MORE THAN ONE OCCASION AND
9 THE DEPARTMENT'S DATA GATHERED ABOUT THEM TO STUDY AND DOCUMENT
10 THE EFFECTS OF:

11 (I) EXISTING AND ALTERNATIVE SANCTION MECHANISMS
12 INCLUDING BUT NOT LIMITED TO INCARCERATION, PAROLE, AND PROBATION;

13 (II) INCENTIVES AND SYSTEMS OF INCENTIVES SUCH AS THE
14 AWARD OF THE VARIOUS TYPES OF DIMINUTION CREDITS;

15 (III) INMATE JOB OPPORTUNITIES AND JOB TRAINING PROGRAMS
16 DURING INCARCERATION AND WHAT RELATIONSHIP THEY MIGHT HAVE TO THE
17 LIKELIHOOD OF RETURN;

18 (IV) EDUCATION COMPLETED UPON ENTERING AND DURING
19 INCARCERATION, AND ESPECIALLY THE IMPACT OF THE EDUCATION OR TRAINING
20 RECEIVED WHILE INCARCERATED; AND

21 (V) INTRINSIC AND EXTRINSIC FACTORS THAT MIGHT HAVE LED
22 THE OFFENDER BACK TO INCARCERATION OR MIGHT HAVE PROLONGED THE
23 OFFENDER'S SUCCESSFUL ADAPTATION AFTER A PERIOD OF INCARCERATION.

24 (3) (I) RECOMMEND AND PROPOSE FEASIBLE STRATEGIES OR
25 AVENUES WITHIN THE DEPARTMENT, ELSEWHERE IN STATE GOVERNMENT, AND IN
26 THE PRIVATE AND NONPROFIT SECTORS THAT WOULD LIMIT RECIDIVISM AND NEW
27 CRIMES; AND

28 (II) SET FORTH AT LEAST ON AN ANNUAL BASIS
29 RECOMMENDATIONS FOR AN OVERALL PLAN FOR THE STATE TO REDUCE
30 RECIDIVISM AND THE INCIDENCE OF NEW CRIMES.

31 (C) THE COMMISSION SHALL CONSIST OF:

32 (1) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL
33 SERVICES;

34 (2) THE COMMISSIONER OF CORRECTION;

35 (3) THE CHAIRMAN OF THE PAROLE COMMISSION;

36 (4) THE DIRECTOR OF PAROLE AND PROBATION;

37 (5) THE COMMISSIONER OF PRETRIAL AND DETENTION SERVICES;

38 (6) THE SECRETARY OF BUDGET AND MANAGEMENT;

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1 (7) THE SECRETARY OF EDUCATION;

2 (8) THE CHIEF PUBLIC DEFENDER;

3 (9) THE CHANCELLOR OF THE UNIVERSITY OF MARYLAND SYSTEM, OR
4 THE CHANCELLOR'S DESIGNEE FAMILIAR WITH THE FIELD OF CRIMINOLOGY,
5 URBAN PLANNING, STATISTICS, HEALTH CARE, ECONOMICS, PSYCHOLOGY,
6 PSYCHIATRY, TRANSPORTATION, OR HOUSING; AND

7 (10) THE FOLLOWING MEMBERS SELECTED BY THE SECRETARY OF
8 PUBLIC SAFETY AND CORRECTIONAL SERVICES:

9 (I) THE POLICE CHIEF OR STATE'S ATTORNEY OF A MAJOR
10 METROPOLITAN AREA, PREFERABLY BALTIMORE CITY OR PRINCE GEORGE'S
11 COUNTY;

12 (II) A PERSON FAMILIAR WITH COMPUTER SYSTEMS OR DATA
13 PROCESSING, SUCH AS A SYSTEMS ANALYST OR SYSTEMS ENGINEER;

14 (III) A PERSON WHO HAS BEEN THE VICTIM OR IS THE FAMILY
15 MEMBER OF A VICTIM OF A FELONY;

16 (IV) A PERSON WHO HAS BEEN A VOLUNTEER IN THE MARYLAND
17 PRISON SYSTEM FOR A SUBSTANTIAL PERIOD OF TIME WORKING WITH PRISONERS,
18 ESPECIALLY REPEAT OFFENDERS;

19 (V) A SOCIAL WORKER, CASE MANAGEMENT SPECIALIST, OR
20 PSYCHOLOGIST FROM THE MARYLAND DIVISION OF CORRECTION OR THE DIVISION
21 OF PRETRIAL AND DETENTION SERVICES; AND

22 (VI) THE HEAD OF A PRIVATE AGENCY RENDERING AFTERCARE
23 TO RELEASED PRISONERS, INCLUDING FOOD, SHELTER, CLOTHING, MEDICAL CARE,
24 DENTAL CARE, OR EMPLOYMENT GUIDANCE.

25 (D) THE MEMBERS OF THE COMMISSION MAY ELECT TO SERVE PERSONALLY
26 AT ANY OR ALL MEETINGS OF THE COMMISSION OR MAY DESIGNATE A MEMBER OF
27 THEIR RESPECTIVE ASSOCIATION, OFFICE, DEPARTMENT, UNIVERSITY, OR AGENCY
28 TO REPRESENT THEM AND TO ACT FOR THEM AT THE MEETING TO THE SAME
29 EFFECT AS IF THEY WERE PRESENT.

30 (E) FROM AMONG ITS MEMBERS, THE COMMISSION AT ITS INITIAL
31 ORGANIZATIONAL MEETING AND ANNUALLY THEREAFTER SHALL ELECT A
32 CHAIRMAN AND A VICE CHAIRMAN.

33 (F) THE COMMISSION SHALL MEET AT THE TIMES THAT A MAJORITY OF ITS
34 MEMBERS OR ITS CHAIRMAN MAY DETERMINE.

35 (G) A MEMBER OF THE COMMISSION:

36 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

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1 (H) THE DEPARTMENT SHALL SUPPLY CLERICAL AND ADMINISTRATIVE
2 SUPPORT SERVICES TO THE COMMISSION AND SHALL COMPLY WITH ANY INQUIRIES
3 WITHOUT IDENTIFYING ANY INDIVIDUAL IN PARTICULAR.

4 (I) OFFENDERS AND EX OFFENDERS WHO ASSIST THE COMMISSION WITH
5 PROVIDING INFORMATION TO IT SHALL DO SO ONLY ON A VOLUNTARY BASIS.

6 (J) THE COMMISSION SHALL SUBMIT AN ANNUAL REPORT ON THE RESULTS
7 OF ITS INVESTIGATION AND STUDY, TOGETHER WITH ANY RESULTING POLICY
8 RECOMMENDATIONS, TO THE GOVERNOR AND, SUBJECT TO § 2-1312 OF THE STATE
9 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

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