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By: **Senator McFadden**

Introduced and read first time: February 23, 1999

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of establishing a Commission on Recidivism and Solutions to Crime  
5 in the Department of Public Safety and Correctional Services; establishing the  
6 membership and duties of the Commission; requiring the Commission to submit  
7 a certain annual report to the Governor and the General Assembly; and  
8 generally relating to recidivism and the Department of Public Safety and  
9 Correctional Services.

10 BY repealing and reenacting, with amendments,  
11 Article - Correctional Services  
12 Section 2-201  
13 Annotated Code of Maryland  
14 (As enacted by Chapter \_\_\_\_\_(H.B. 11) of the Acts of the General Assembly of  
15 1999)

16 BY adding to  
17 Article - Correctional Services  
18 Section 8-901 through 8-906, inclusive, to be under the new subtitle "Subtitle 9.  
19 Commission on Recidivism and Solutions to Crime"  
20 Annotated Code of Maryland  
21 (As enacted by Chapter \_\_\_\_\_(H.B. 11) of the Acts of the General Assembly of  
22 1999)

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

25                                   **Article - Correctional Services**

26 2-201.

27 The following units are in the Department:

28                   (1) the Division of Correction;

- 1 (2) the Division of Parole and Probation;
- 2 (3) the Division of Pretrial Detention and Services;
- 3 (4) the Patuxent Institution;
- 4 (5) the Board of Review for Patuxent Institution;
- 5 (6) the Maryland Commission on Correctional Standards;
- 6 (7) the Correctional Training Commission;
- 7 (8) the Police Training Commission;
- 8 (9) the Maryland Parole Commission;
- 9 (10) the Criminal Injuries Compensation Board;
- 10 (11) the Emergency Number Systems Board;
- 11 (12) the Sundry Claims Board;
- 12 (13) the Inmate Grievance Office; [and]
- 13 (14) THE COMMISSION ON RECIDIVISM AND SOLUTIONS TO CRIME; AND
- 14 (15) any other unit that by law is declared to be part of the Department.

15 SUBTITLE 9. COMMISSION ON RECIDIVISM AND SOLUTIONS TO CRIME.

16 8-901.

17 IN THIS SUBTITLE, "COMMISSION" MEANS THE COMMISSION ON RECIDIVISM  
18 AND SOLUTIONS TO CRIME.

19 8-902.

20 THERE IS A COMMISSION ON RECIDIVISM AND SOLUTIONS TO CRIME IN THE  
21 DEPARTMENT.

22 8-903.

23 THE COMMISSION SHALL:

24 (1) UTILIZE EXISTING RESOURCES WITHIN THE DEPARTMENT,  
25 INCLUDING INMATES OF THE DIVISION OF CORRECTION AND THE DEPARTMENTAL  
26 INFORMATION GATHERED ABOUT THESE INMATES, EXISTING RESOURCES OF OTHER  
27 STATE AGENCIES, AND OTHER AVAILABLE RESOURCES TO:

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

4 (II) IDENTIFY AND EXPLORE THE MAJOR FACTORS CONTRIBUTING  
5 TO RECIDIVISM WITH EMPHASIS ON THE INFLUENCES OF SUBSTANCE ABUSE,  
6 EDUCATION, AND EMPLOYMENT; AND

7 (III) COLLECT DATA ON AFTERCARE SERVICES PROVIDED BY STATE  
8 AND LOCAL GOVERNMENTAL UNITS AND PRIVATE ENTITIES;

9 (2) UTILIZE RESOURCES WITHIN THE DEPARTMENT, INCLUDING  
10 INMATES WHO HAVE RETURNED TO PRISON ON MORE THAN ONE OCCASION AND  
11 DATA GATHERED BY THE DEPARTMENT ABOUT THESE INMATES TO STUDY AND  
12 DOCUMENT THE EFFECTS OF:

13 (I) EXISTING AND ALTERNATIVE SANCTION MECHANISMS,  
14 INCLUDING INCARCERATION, PAROLE, AND PROBATION;

15 (II) INCENTIVES AND SYSTEMS OF INCENTIVES, INCLUDING THE  
16 AWARD OF THE VARIOUS TYPES OF DIMINUTION CREDITS;

17 (III) INMATE JOB OPPORTUNITIES AND JOB TRAINING PROGRAMS  
18 DURING INCARCERATION AND THE RELATIONSHIP BETWEEN THESE  
19 OPPORTUNITIES AND PROGRAMS AND RECIDIVISM;

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

23 (V) INTRINSIC AND EXTRINSIC FACTORS THAT MIGHT HAVE LED  
24 THE INMATE BACK TO INCARCERATION OR MIGHT HAVE PROLONGED THE INMATE'S  
25 SUCCESSFUL ADAPTATION AFTER A PERIOD OF INCARCERATION; AND

26 (3) (I) RECOMMEND AND PROPOSE FEASIBLE STRATEGIES OR  
27 AVENUES WITHIN THE DEPARTMENT, ELSEWHERE IN STATE AND LOCAL  
28 GOVERNMENT, AND IN THE PRIVATE SECTOR THAT WOULD LIMIT RECIDIVISM AND  
29 NEW CRIMES; AND

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

33 8-904.

34 (A) THE COMMISSION SHALL CONSIST OF:

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

36 (2) THE COMMISSIONER OF CORRECTION;

- 1 (3) THE CHAIRMAN OF THE MARYLAND PAROLE COMMISSION;
- 2 (4) THE DIRECTOR OF THE DIVISION OF PAROLE AND PROBATION;
- 3 (5) THE COMMISSIONER OF PRETRIAL DETENTION AND SERVICES;
- 4 (6) THE SECRETARY OF BUDGET AND MANAGEMENT;
- 5 (7) THE SECRETARY OF EDUCATION;
- 6 (8) THE PUBLIC DEFENDER;
- 7 (9) THE CHANCELLOR OF THE UNIVERSITY OF MARYLAND SYSTEM, OR A  
8 DESIGNEE FAMILIAR WITH THE FIELD OF CRIMINOLOGY, URBAN PLANNING,  
9 STATISTICS, HEALTH CARE, ECONOMICS, PSYCHOLOGY, PSYCHIATRY,  
10 TRANSPORTATION, OR HOUSING; AND

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

13 (I) A POLICE CHIEF OR STATE'S ATTORNEY OF A MAJOR  
14 METROPOLITAN AREA, PREFERABLY BALTIMORE CITY OR PRINCE GEORGE'S  
15 COUNTY;

16 (II) A SYSTEMS ANALYST, SYSTEMS ENGINEER, OR OTHER  
17 INDIVIDUAL FAMILIAR WITH COMPUTER SYSTEMS OR DATA PROCESSING;

18 (III) A VICTIM OR THE FAMILY MEMBER OF A VICTIM OF A FELONY;

19 (IV) AN INDIVIDUAL WHO HAS BEEN A VOLUNTEER IN THE STATE  
20 OR LOCAL CORRECTIONAL SYSTEM FOR A SUBSTANTIAL PERIOD OF TIME WORKING  
21 WITH INMATES, ESPECIALLY REPEAT OFFENDERS;

22 (V) A SOCIAL WORKER, CASE MANAGEMENT SPECIALIST, OR  
23 PSYCHOLOGIST FROM THE DIVISION OF CORRECTION OR THE DIVISION OF PRETRIAL  
24 DETENTION AND SERVICES; AND

25 (VI) THE HEAD OF A PRIVATE AGENCY RENDERING AFTERCARE  
26 SERVICES TO RELEASED INMATES, INCLUDING FOOD, SHELTER, CLOTHING, MEDICAL  
27 CARE, DENTAL CARE, OR EMPLOYMENT GUIDANCE.

28 (B) A MEMBER OF THE COMMISSION MAY:

29 (1) SERVE PERSONALLY AT ANY OR ALL MEETINGS OF THE  
30 COMMISSION; OR

31 (2) DESIGNATE A REPRESENTATIVE OF THE MEMBER'S ASSOCIATION,  
32 OFFICE, DEPARTMENT, UNIVERSITY, OR AGENCY TO REPRESENT AND ACT FOR THE  
33 MEMBER AT THE MEETING TO THE SAME EFFECT AS IF THE MEMBER WERE  
34 PRESENT.

1 8-905.

2 FROM AMONG ITS MEMBERS, THE COMMISSION AT ITS INITIAL  
3 ORGANIZATIONAL MEETING AND ANNUALLY THEREAFTER SHALL ELECT A  
4 CHAIRPERSON AND A VICE CHAIRPERSON.

5 8-906.

6 (A) THE COMMISSION SHALL MEET AT THE TIMES THAT A MAJORITY OF ITS  
7 AUTHORIZED MEMBERS OR ITS CHAIRMAN MAY DETERMINE.

8 (B) A MEMBER OF THE COMMISSION:

9 (1) MAY NOT RECEIVE COMPENSATION FOR SERVICE ON THE  
10 COMMISSION; BUT

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

13 (C) THE DEPARTMENT SHALL:

14 (1) SUPPLY CLERICAL AND ADMINISTRATIVE SUPPORT SERVICES TO  
15 THE COMMISSION; AND

16 (2) COMPLY WITH ANY INQUIRIES WITHOUT IDENTIFYING ANY  
17 INDIVIDUAL IN PARTICULAR.

18 (D) OFFENDERS AND FORMER OFFENDERS WHO ASSIST THE COMMISSION BY  
19 PROVIDING INFORMATION SHALL DO SO ONLY ON A VOLUNTARY BASIS.

20 (E) THE COMMISSION SHALL SUBMIT AN ANNUAL REPORT ON THE RESULTS  
21 OF ITS INVESTIGATION AND STUDY, TOGETHER WITH ANY POLICY  
22 RECOMMENDATIONS, TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE  
23 GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 1999.