
By: **Senator McCabe**

Introduced and read first time: February 4, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Corrections Options Pilot Program**

3 FOR the purpose of establishing a Corrections Options Pilot Program in the Division
4 of Parole and Probation; establishing a Corrections Options Authority and local
5 community planning councils in certain counties; specifying the purpose of the
6 Pilot Program; requiring the Corrections Options Authority to perform certain
7 tasks; allowing courts in certain counties to impose sentences in accordance with
8 certain recommendations; providing for the membership of community planning
9 councils; providing for the termination of this Act; defining a term; requiring the
10 Director to conduct a certain study and submit its findings to the General
11 Assembly by a certain date; and generally relating to the Corrections Options
12 Pilot Program in the Division of Parole and Probation.

13 BY repealing and reenacting, with amendments,
14 Article 27 - Crimes and Punishments
15 Section 639(a), 641(a)(1)(i), and 641A
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1999 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article - Correctional Services
20 Section 6-101(a), (d), and (e)
21 Annotated Code of Maryland
22 (1999 Volume)

23 BY adding to
24 Article - Correctional Services
25 Section 6-115
26 Annotated Code of Maryland
27 (1999 Volume)

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

1

Article 27 - Crimes and Punishments

2 639.

3 (a) (1) The courts may suspend sentence generally or for a definite time, and
4 may make such orders and impose such terms as to costs, recognizance for
5 appearance, or matters relating to the residence or conduct of the convicts as may be
6 deemed proper; and if the convict is a person under 18 years of age, the courts may
7 also make such orders as to his detention in any care or custody as may be deemed
8 proper.

9 (2) In Charles County, St. Mary's County, and Calvert County, the court
10 may impose a sentence of confinement as a condition of probation.

11 (3) IN BALTIMORE CITY, HOWARD COUNTY, PRINCE GEORGE'S COUNTY,
12 AND SOMERSET COUNTY, THE COURT MAY IMPOSE A SENTENCE IN ACCORDANCE
13 WITH RECOMMENDATIONS OF THE CORRECTIONS OPTIONS AUTHORITY.

14 641.

15 (a) (1) (i) 1. Whenever a person accused of a crime pleads guilty or nolo
16 contendere or is found guilty of an offense, a court exercising criminal jurisdiction, if
17 satisfied that the best interests of the person and the welfare of the people of the
18 State would be served thereby, and with the written consent of the person after
19 determination of guilt or acceptance of a nolo contendere plea, may stay the entering
20 of judgment, defer further proceedings, and place the person on probation subject to
21 reasonable terms and conditions as appropriate. The terms and conditions may
22 include ordering the person to pay a fine or pecuniary penalty to the State, or to make
23 restitution, but before the court orders a fine, pecuniary penalty, or restitution the
24 person is entitled to notice and a hearing to determine the amount of the fine,
25 pecuniary penalty, or restitution, what payment will be required, and how payment
26 will be made. The terms and conditions also may include any type of rehabilitation
27 program or clinic, or similar program, or the parks program or voluntary hospital
28 program.

29 2. In Allegany County, Calvert County, Charles County,
30 Garrett County, and St. Mary's County, the court may impose a sentence of
31 confinement as a condition of probation.

32 3. IN BALTIMORE CITY, HOWARD COUNTY, PRINCE GEORGE'S
33 COUNTY, AND SOMERSET COUNTY, THE COURT MAY IMPOSE A SENTENCE IN
34 ACCORDANCE WITH RECOMMENDATIONS OF THE CORRECTIONS OPTIONS
35 AUTHORITY.

36 641A.

37 (a) (1) Upon entering a judgment of conviction, the court having jurisdiction
38 may suspend the imposition or execution of sentence and place the defendant on
39 probation upon such terms and conditions as the court deems proper.

1 (B) THE PILOT PROGRAM INCLUDES:

2 (1) A CORRECTIONS OPTIONS AUTHORITY, TO BE APPOINTED BY THE
3 DIRECTOR; AND

4 (2) LOCAL COMMUNITY SENTENCING PLANNING COUNCILS IN
5 BALTIMORE CITY, HOWARD COUNTY, PRINCE GEORGE'S COUNTY, AND SOMERSET
6 COUNTY.

7 (C) THE PURPOSE OF THE PILOT PROGRAM IS TO EXPAND EXISTING AND
8 DEVELOP NEW CORRECTIONS OPTIONS PROGRAMS THROUGHOUT THE STATE.

9 (D) THE CORRECTIONS OPTIONS AUTHORITY SHALL:

10 (1) IMPLEMENT AND ASSESS CORRECTIONS OPTIONS AS ALTERNATIVES
11 TO PROBATION AND INCARCERATION;

12 (2) COORDINATE THE PLACEMENT AND SUPERVISION OF OFFENDERS IN
13 CORRECTIONS OPTIONS PROGRAMS;

14 (3) RECOMMEND TO COURTS OPTIONS PROGRAMS FOR CERTAIN
15 OFFENDERS;

16 (4) WORK WITH LOCAL COMMUNITY SENTENCING PLANNING COUNCILS
17 TO CREATE ACTION PLANS, COURT RECOMMENDATIONS, AND GRANT PROPOSALS;
18 AND

19 (5) IDENTIFY LOCAL RESOURCES AND SERVICE PROVIDERS THAT ARE
20 AVAILABLE TO SERVE IN CORRECTIONS OPTIONS PROGRAMS.

21 (E) (1) IN THIS SUBSECTION, "PLANNING COUNCIL" MEANS LOCAL
22 COMMUNITY SENTENCING PLANNING COUNCIL.

23 (2) A LOCAL COMMUNITY SENTENCING PLANNING COUNCIL SHALL BE
24 ESTABLISHED IN BALTIMORE CITY, HOWARD COUNTY, PRINCE GEORGE'S COUNTY,
25 AND SOMERSET COUNTY.

26 (3) EACH PLANNING COUNCIL CONSISTS OF SEVEN MEMBERS.

27 (4) OF THE SEVEN MEMBERS OF A PLANNING COUNCIL:

28 (I) ONE SHALL BE A JUDGE IN THE CIRCUIT COURT OF THE
29 COUNTY IN WHICH THE PLANNING COUNCIL IS LOCATED, APPOINTED BY THE CHIEF
30 JUDGE OF THE COURT OF APPEALS;

31 (II) ONE SHALL BE THE STATE'S ATTORNEY OR DESIGNEE OF THE
32 STATE'S ATTORNEY OF THE COUNTY IN WHICH THE PLANNING COUNCIL IS LOCATED;

33 (III) ONE SHALL BE:

1 1. FOR THE PLANNING COUNCIL IN BALTIMORE CITY, A
2 MEMBER OF THE CITY COUNCIL, APPOINTED BY THE PRESIDENT OF THE CITY
3 COUNCIL;

4 2. FOR THE PLANNING COUNCIL IN HOWARD COUNTY, A
5 MEMBER OF THE COUNTY COUNCIL, APPOINTED BY THE CHAIRPERSON OF THE
6 COUNTY COUNCIL;

7 3. FOR THE PLANNING COUNCIL IN PRINCE GEORGE'S
8 COUNTY, A MEMBER OF THE COUNTY COUNCIL, APPOINTED BY THE CHAIRPERSON
9 OF THE COUNTY COUNCIL; AND

10 4. FOR THE PLANNING COUNCIL IN SOMERSET COUNTY, A
11 MEMBER OF THE BOARD OF COUNTY COMMISSIONERS, APPOINTED BY THE
12 PRESIDENT OF THE BOARD;

13 (IV) ONE SHALL BE THE SHERIFF OR THE DESIGNEE OF THE
14 SHERIFF OF THE COUNTY IN WHICH THE PLANNING COUNCIL IS LOCATED; AND

15 (V) THREE SHALL BE MEMBERS OF THE PUBLIC:

16 1. FOR THE PLANNING COUNCIL IN BALTIMORE CITY,
17 APPOINTED BY THE MAYOR;

18 2. FOR THE PLANNING COUNCIL IN HOWARD COUNTY,
19 APPOINTED BY THE COUNTY EXECUTIVE;

20 3. FOR THE PLANNING COUNCIL IN PRINCE GEORGE'S
21 COUNTY, APPOINTED BY THE COUNTY EXECUTIVE; AND

22 4. FOR THE PLANNING COUNCIL IN SOMERSET COUNTY,
23 APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS.

24 (F) THE DIRECTOR SHALL:

25 (1) CONDUCT A COMPREHENSIVE STUDY OF THE BENEFITS OF THE
26 PILOT PROGRAM AND ITS IMPACT ON THE CRIMINAL JUSTICE SYSTEM OF THE STATE;
27 AND

28 (2) ON OR BEFORE OCTOBER 1, 2003, SUBMIT ITS FINDINGS TO THE
29 GENERAL ASSEMBLY.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2000. It shall remain effective for a period of 3 years and, at the end of
32 September 30, 2003, with no further action required by the General Assembly, this
33 Act shall be abrogated and of no further force and effect.