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Unofficial Copy 2000 Regular Session E2

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
- of Parole and Probation; establishing a Corrections Options Authority and local 4
- 5 community planning councils in certain counties; specifying the purpose of the
- Pilot Program; requiring the Corrections Options Authority to perform certain 6
- 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
- Director to conduct a certain study and submit its findings to the General 10
- Assembly by a certain date; and generally relating to the Corrections Options 11
- Pilot Program in the Division of Parole and Probation. 12
- 13 BY repealing and reenacting, with amendments,
- Article 27 Crimes and Punishments 14
- 15 Section 639(a), 641(a)(1)(i), and 641A
- 16 Annotated Code of Maryland
- (1996 Replacement Volume and 1999 Supplement) 17
- 18 BY repealing and reenacting, without amendments,
- Article Correctional Services 19
- 20 Section 6-101(a), (d), and (e)
- Annotated Code of Maryland 21
- (1999 Volume) 22
- 23 BY adding to
- Article Correctional Services 24
- 25 Section 6-115
- Annotated Code of Maryland 26
- 27 (1999 Volume)
- 28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 29 MARYLAND, That the Laws of Maryland read as follows:

2 **SENATE BILL 766** 1 **Article 27 - Crimes and Punishments** 2 639. 3 (a) The courts may suspend sentence generally or for a definite time, and (1) 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 In Charles County, St. Mary's County, and Calvert County, the court (2)10 may impose a sentence of confinement as a condition of probation. 11 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 (i) 1. Whenever a person accused of a crime pleads guilty or nolo (a) (1)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 In Allegany County, Calvert County, Charles County, 2. 30 Garrett County, and St. Mary's County, the court may impose a sentence of 31 confinement as a condition of probation. IN BALTIMORE CITY, HOWARD COUNTY, PRINCE GEORGE'S 32 33 COUNTY, AND SOMERSET COUNTY, THE COURT MAY IMPOSE A SENTENCE IN 34 ACCORDANCE WITH RECOMMENDATIONS OF THE CORRECTIONS OPTIONS 35 AUTHORITY.

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.

36 641A.

(a)

(1)

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SENATE BILL 766

1 In Charles County, St. Mary's County, Cecil County, Harford County, (2)2 and Calvert County, the court may impose as a condition of probation a sentence of 3 confinement. 4 The court may impose a sentence for a specified period and provide 5 that a lesser period be served in confinement, suspend the remainder of the sentence 6 and grant probation for a period longer than the sentence but not in excess of 5 years. However, if the defendant consents in writing, the court may grant 7 8 probation in excess of 5 years, but only for purposes of making restitution. 9 Probation may be granted whether the offense is punishable by fine or (b) 10 imprisonment or both. If the offense is punishable by both fine and imprisonment, the 11 court may impose a fine and place the defendant on probation as to the imprisonment. 12 Probation may be limited to one or more counts or indictments, but, in the absence of 13 express limitation, shall extend to the entire sentence and judgment. The court may 14 revoke or modify any condition of probation or may reduce the period of probation. 15 If a sentence of imprisonment is imposed, a portion of it is suspended, and (c) 16 the defendant is placed on probation, the court may impose as a condition of probation 17 that the probation commence on the date the defendant is actually released from 18 imprisonment. 19 When the probation granted is for violation of any provision of §§ 276 20 through 303 of this article, if the court places the person on probation, it shall require, 21 as a condition of the suspension of sentence, that the person participate in a drug 22 treatment or education program approved by the Department of Health and Mental 23 Hygiene, unless the court finds and affirmatively states on the record that the 24 interests of the person and the people of the State do not require the imposition of this 25 condition. 26 (E) IN BALTIMORE CITY, HOWARD COUNTY, PRINCE GEORGE'S COUNTY, AND 27 SOMERSET COUNTY, THE COURT MAY IMPOSE A SENTENCE IN ACCORDANCE WITH 28 RECOMMENDATIONS OF THE CORRECTIONS OPTIONS AUTHORITY. 29 **Article - Correctional Services** 30 6-101. 31 In this subtitle the following words have the meanings indicated. (a) "Director" means the Director of the Division or the Director's designee. 32 (d) "Division" means the Division of Parole and Probation. 33 (e) 34 6-115. 35 (A) THE DIRECTOR SHALL ESTABLISH A CORRECTIONS OPTIONS PILOT 36 PROGRAM IN THE DIVISION.

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(II)

(III)

1 (B) THE PILOT PROGRAM INCLUDES: A CORRECTIONS OPTIONS AUTHORITY, TO BE APPOINTED BY THE 2 (1) 3 DIRECTOR; AND LOCAL COMMUNITY SENTENCING PLANNING COUNCILS IN 5 BALTIMORE CITY, HOWARD COUNTY, PRINCE GEORGE'S COUNTY, AND SOMERSET 6 COUNTY. THE PURPOSE OF THE PILOT PROGRAM IS TO EXPAND EXISTING AND 7 (C) 8 DEVELOP NEW CORRECTIONS OPTIONS PROGRAMS THROUGHOUT THE STATE. 9 (D) THE CORRECTIONS OPTIONS AUTHORITY SHALL: IMPLEMENT AND ASSESS CORRECTIONS OPTIONS AS ALTERNATIVES 11 TO PROBATION AND INCARCERATION: COORDINATE THE PLACEMENT AND SUPERVISION OF OFFENDERS IN 12 (2) 13 CORRECTIONS OPTIONS PROGRAMS; RECOMMEND TO COURTS OPTIONS PROGRAMS FOR CERTAIN 14 15 OFFENDERS: WORK WITH LOCAL COMMUNITY SENTENCING PLANNING COUNCILS 17 TO CREATE ACTION PLANS, COURT RECOMMENDATIONS, AND GRANT PROPOSALS; 18 AND IDENTIFY LOCAL RESOURCES AND SERVICE PROVIDERS THAT ARE (5) 20 AVAILABLE TO SERVE IN CORRECTIONS OPTIONS PROGRAMS. 21 (1) IN THIS SUBSECTION, "PLANNING COUNCIL" MEANS LOCAL 22 COMMUNITY SENTENCING PLANNING COUNCIL. A LOCAL COMMUNITY SENTENCING PLANNING COUNCIL SHALL BE 23 (2) 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 OF THE SEVEN MEMBERS OF A PLANNING COUNCIL: (4) 28 ONE SHALL BE A JUDGE IN THE CIRCUIT COURT OF THE (I) 29 COUNTY IN WHICH THE PLANNING COUNCIL IS LOCATED. APPOINTED BY THE CHIEF 30 JUDGE OF THE COURT OF APPEALS:

32 STATE'S ATTORNEY OF THE COUNTY IN WHICH THE PLANNING COUNCIL IS LOCATED;

ONE SHALL BE:

ONE SHALL BE THE STATE'S ATTORNEY OR DESIGNEE OF THE

- **SENATE BILL 766** 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 FOR THE PLANNING COUNCIL IN HOWARD COUNTY, A 2. 5 MEMBER OF THE COUNTY COUNCIL, APPOINTED BY THE CHAIRPERSON OF THE 6 COUNTY COUNCIL; FOR THE PLANNING COUNCIL IN PRINCE GEORGE'S 7 8 COUNTY, A MEMBER OF THE COUNTY COUNCIL, APPOINTED BY THE CHAIRPERSON 9 OF THE COUNTY COUNCIL; AND 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: FOR THE PLANNING COUNCIL IN BALTIMORE CITY, 16 17 APPOINTED BY THE MAYOR; FOR THE PLANNING COUNCIL IN HOWARD COUNTY, 18 19 APPOINTED BY THE COUNTY EXECUTIVE; 20 FOR THE PLANNING COUNCIL IN PRINCE GEORGE'S 21 COUNTY, APPOINTED BY THE COUNTY EXECUTIVE; AND 22 FOR THE PLANNING COUNCIL IN SOMERSET COUNTY, 23 APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS. 24 (F) THE DIRECTOR SHALL: CONDUCT A COMPREHENSIVE STUDY OF THE BENEFITS OF THE 25 (1) 26 PILOT PROGRAM AND ITS IMPACT ON THE CRIMINAL JUSTICE SYSTEM OF THE STATE; 27 AND ON OR BEFORE OCTOBER 1, 2003, SUBMIT ITS FINDINGS TO THE 28 (2)
- 29 GENERAL ASSEMBLY.
- SECTION 2. AND BE IT FURTHER ENACTED. That this Act shall take effect 30
- 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.