Unofficial Copy E2 2002 Regular Session 2lr0115

By: Chairman, Judiciary Committee (Departmental - Public Safety and Correctional Services)

Introduced and read first time: February 8, 2002

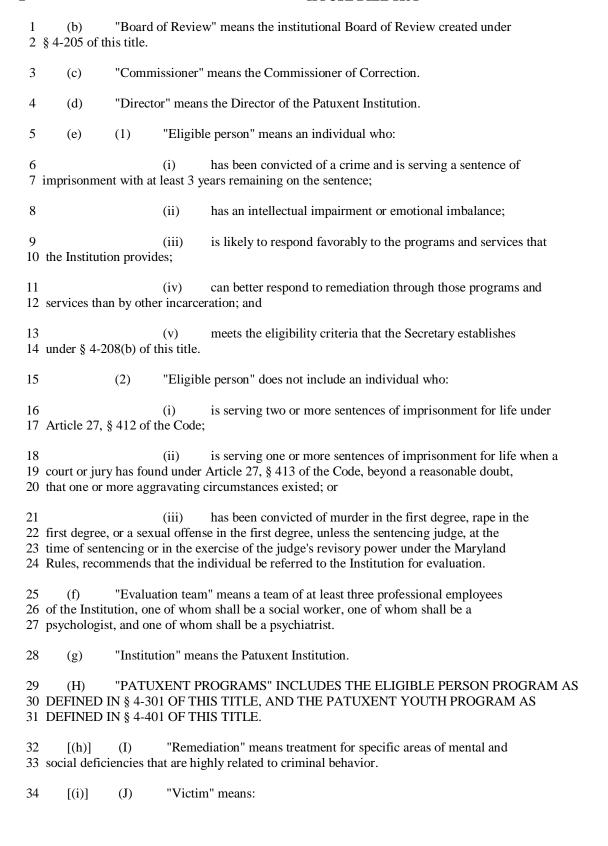
Assigned to: Judiciary

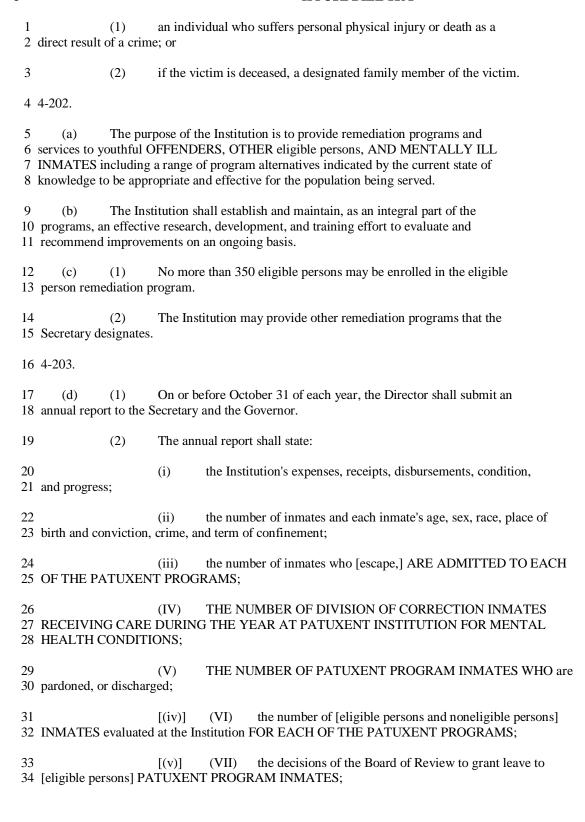
A BILL ENTITLED

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1	Γ	ΔC_{1}	COHCCHIIII

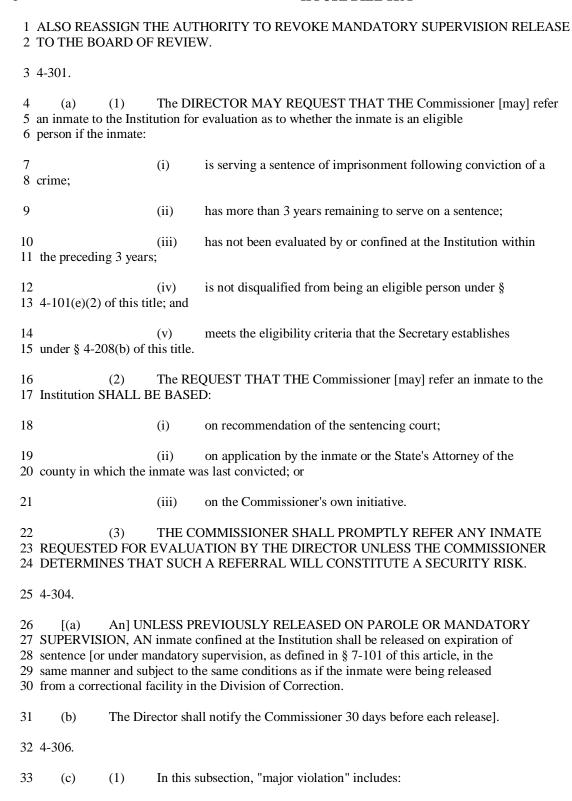
2 Patuxent Institution - Eligible Person and Youth Programs

- 3 FOR the purpose of expanding the scope of programs at the Patuxent Institution;
- 4 altering the scope of information in the Institution's annual report; providing
- 5 procedures for the mandatory supervision release of certain inmates from the
- 6 institution; authorizing the revocation of the release under certain
- 7 circumstances; reassigning responsibility for the intake of certain inmates from
- 8 the Commissioner to the Director; clarifying the conduct that constitutes a
- 9 major violation; establishing authority for the Board of Review to act in
- 10 conjunction with persons in the Youth Program; defining terms; and generally
- 11 relating to the Patuxent Institution.
- 12 BY repealing and reenacting, with amendments,
- 13 Article Correctional Services
- 14 Section 4-101, 4-202, 4-203(d), 4-301(a), 4-304, 4-306(c), and 4-401
- 15 Annotated Code of Maryland
- 16 (1999 Volume and 2001 Supplement)
- 17 BY adding to
- 18 Article Correctional Services
- 19 Section 4-213
- 20 Annotated Code of Maryland
- 21 (1999 Volume and 2001 Supplement)
- 22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 23 MARYLAND, That the Laws of Maryland read as follows:
- 24 Article Correctional Services
- 25 4-101.
- 26 (a) In this title the following words have the meanings indicated.





- 1 (VIII) the number of rearrests, reconvictions, reincarcerations, [(vi)]2 and parole violations of individuals [formerly confined at the Institution] RELEASED 3 FROM INCARCERATION THROUGH A PATUXENT PROGRAM; 4 [(vii)] the number of eligible persons [confined at the (IX) 5 Institution] who are REMOVED FROM EACH PATUXENT PROGRAM AND returned to 6 the Division of Correction [for major violations of the Institution's disciplinary rules]; 7 (X) [information on the type of major violation [(viii)] 8 necessitating A SUMMARY OF THE REASONS UNDERLYING an individual's transfer to 9 the Division of Correction as described in item [(vi)] (IX) of this paragraph; 10 [(ix)](XI) information on educational programs and community 11 reentry activities; and [(x)](XII) any remarks and suggestions the Director considers 13 necessary to advance the interests of the Institution. 14 (3) The Director shall verify the report required by this subsection. 15 Subject to § 2-1246 of the State Government Article, the Governor (4) 16 shall submit to the General Assembly the report required under this subsection and 17 any recommendation that the Governor considers expedient. 18 The Secretary shall adopt regulations regarding the annual report (5)19 required under this subsection. 20 4-213. AN INMATE CONFINED AT THE INSTITUTION SHALL BE RELEASED UNDER 21 (A) 22 MANDATORY SUPERVISION, AS DEFINED IN § 7-101 OF THIS ARTICLE, IN THE SAME 23 MANNER AND SUBJECT TO THE SAME CONDITIONS AS IF THE INMATE WERE BEING 24 RELEASED FROM A CORRECTIONAL FACILITY IN THE DIVISION OF CORRECTION. THE DIRECTOR MAY ESTABLISH SPECIAL PROGRAMS OR PROJECTS FOR 25 (B) 26 DIMINUTION CREDIT AWARD TO THE SAME EXTENT THAT SUCH CREDITS MAY BE 27 AWARDED IN THE DIVISION OF CORRECTION. 28 THE DIRECTOR MAY RESTORE TO INMATES AT PATUXENT INSTITUTION (C) 29 ANY DIMINUTION CREDITS RESCINDED UPON ADJUDICATION OF VIOLATION OF 30 INSTITUTIONAL DISCIPLINARY RULES TO THE SAME EXTENT AS SUCH CREDITS MAY 31 BE RESTORED BY THE COMMISSIONER OF CORRECTION TO INMATES IN THE 32 DIVISION. 33 (D) THE DIRECTOR MAY IMPOSE SPECIAL TERMS AND CONDITIONS ON ANY 34 INMATE RELEASED ON MANDATORY SUPERVISION FROM THE INSTITUTION.
- 35 (E) IF THE SECRETARY REASSIGNS SUPERVISORY RESPONSIBILITY OF A
- 36 MANDATORY RELEASEE FROM THE DIVISION OF PAROLE AND PROBATION TO THE
- 37 INSTITUTION IN ACCORDANCE WITH § 2-117 OF THIS ARTICLE, THE SECRETARY MAY



1	(i) escape from parole, work release, or leave;	
	(ii) failure to return from parole, work release, or leave within 1 hour of the time due, unless the failure to return was due to causes beyond the control of the eligible person;	
5 6	(iii) commission of a new crime, other than a minor traffic violation, while on parole, work release, or leave;	
7 8	(iv) commission of a [major] CATEGORY I violation of the [Institution's] DEPARTMENT'S disciplinary rules; AND	
9 10	[(v) violation of any parole, work release, or leave rule not categorized as a minor violation under the regulations of the Institution; and]	
11 12	$[(vi)] \hspace{0.5cm} (V) \hspace{0.5cm} \text{use of a controlled dangerous substance that the eligible} \\ \text{person is not entitled to use under the laws of the State}.$	
15	(2) Except as provided in paragraph (3) of this subsection, if an eligible person commits a major violation while on parole, work release, or leave, the eligible person shall be confined to the Institution and shall be ineligible for parole, work release, or leave for at least 6 months.	
19 20	(3) If the Board of Review or the Secretary determines that a major violation was severe enough to warrant removing an eligible person from the Institution, the eligible person may be removed from the Institution and returned to the Division of Correction to serve the remainder of the eligible person's original sentence.	
24	(4) If an eligible person commits a second major violation while on parole, work release, or leave, the eligible person shall be removed from the Institution and returned to the Division of Correction to serve the remainder of the eligible person's original sentence.	
26	4-401.	
27 28	(a) In this section, "Youth Program" means the Patuxent Institution Youth Program.	
29	(b) There is a Patuxent Institution Youth Program.	
30 31	(c) This section applies to an individual under the age of 21 years who is sentenced to a term of imprisonment of 3 years or more.	
32 33	(d) At sentencing, a court may refer an individual to the Institution for evaluation.	
34	(e) The Director shall:	
35 36	(1) review recommendations of a court for admission of an individual to the Youth Program; and	

1	admission es	(2) tablished			mission of an individual based on the criteria for [(i)] (J) of this section.			
3 4	(F) AN INMATE'S STATUS IN THE YOUTH PROGRAM SHALL BE REVIEWED BY THE BOARD OF REVIEW ON AN ANNUAL BASIS.							
7	(G) THE BOARD OF REVIEW MAY GRANT AN INMATE IN THE YOUTH PROGRAM LEAVE, WORK OR SCHOOL RELEASE, OR PAROLE ACCORDING TO THE SAME PROCEDURES AND WITH THE SAME NOTICE TO VICTIMS AS REQUIRED WITH RESPECT TO THE ELIGIBLE PERSON PROGRAM.							
9 10	[(f)] section, the	(H) duration			s transferred to the Youth Program under this he Institution shall terminate when:			
11 12	Correction;	(1)	the Dire	ctor orde	rs the individual transferred to the Division of			
13 14	THE DIVIS	(2) ION OF			F REVIEW ORDERS THE INDIVIDUAL TRANSFERRED TO			
15 16	the individua	[(2)] al parolec	(3) d; or	with the	approval of the Secretary, the Board of Review orders			
17 18	provided by	[(3)] law.	(4)	the indiv	vidual completes the individual's term of confinement as			
	9 [(g)] (I) An individual who is transferred to the Youth Program as provided under this section is deemed to be committed to the custody of and subject to the jurisdiction of the Institution.							
24	[(h) An individual's transfer to the Youth Program does not affect the individual's eligibility for diminution credits or other privileges available by law to an individual sentenced to the custody of the Division of Correction or a local correctional facility.]							
	[(i)] (J) (1) Regulations adopted by the Secretary under § 4-208 of this title shall include regulations governing the management and operation of the Youth Program, including criteria for admission to the Youth Program.							
29 30	shall:	(2)	Regulati	ions estab	olishing criteria for admission to the Youth Program			
31 32	requirement	s; and	(i)	be consi	stent with this title and any other statutory			
33			(ii)	include	criteria regarding:			
34				1.	the individual's age;			
35				2.	the individual's mental and physical condition;			

1 2	Program;	3.	the individual's amenability to treatment in the Youth	
3 4	participation in the crime; and	4.	the nature of the individual's crime and the individual's	
5		5.	the public safety.	
6 7	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002.			