

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 514  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Applicability” in line 2 down through “Fee” in line 3 and substitute “Exemptions from Program and Supervision Fees”; in line 4, after “of” insert “authorizing a court to exempt a certain person under the supervision of the Division from paying a certain monthly program fee under certain circumstances;”; in line 8, after “years;” insert “providing for the application of this Act;”; and after line 9, insert:

“BY repealing and reenacting, with amendments,

Article - Correctional Services

Section 6-115

Annotated Code of Maryland

(1999 Volume and 2005 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 21, insert:

“Article - Correctional Services

6-115.

(a) (1) In this section the following words have the meanings indicated.

(2) “Program fee” means any fee the Division assesses on a supervisee the Division places in the Drinking Driver Monitor Program.

(3) “Supervisee” means a person that the court places under the supervision of the Division.

(Over)

(4) “Supervision fee” means the fee the court orders under § 6-226 of the Criminal Procedure Article.

(b) [All supervisees] UNLESS A SUPERVISEE IS EXEMPT UNDER SUBSECTION (D) OF THIS SECTION, EACH SUPERVISEE placed in the Drinking Driver Monitor Program by the Division shall be:

(1) subject to a monthly supervision fee in accordance with § 6-226 of the Criminal Procedure Article; and

(2) for fiscal years 2006 through 2010 only, assessed a monthly program fee of \$45 by the Division.

(c) (1) The Program fee imposed under this section shall be paid to the Division by all supervisees in the Drinking Driver Monitor Program from July 1, 2005 through June 30, 2010.

(2) The Division shall pay the Program fees collected under this section into the Drinking Driver Monitor Program Fund.

(d) [Notwithstanding subsections (b) and (c) of this section,] A COURT OR the Division may exempt a supervisee as a whole or in part from the Program fee imposed under this section if:

(1) the supervisee has diligently tried but has been unable to obtain employment that provides sufficient income for the supervisee to pay the fee;

(2) (i) the supervisee is a student in a school, college, or university or is enrolled in a course of vocational or technical training designed to prepare the student for gainful employment; and

(ii) certification of student status is supplied to the COURT OR Division by the institution in which the supervisee is enrolled;

(3) the supervisee has a handicap limiting employment, as determined by a physical or psychological examination accepted by the COURT OR Division;

(4) the supervisee is responsible for the support of dependents and the payment of the fee is an undue hardship on the supervisee; or

(5) other extenuating circumstances exist.”.

AMENDMENT NO. 3

On page 2, after line 17, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any fee imposed on any individual or any exemption from the fee made before the effective date of this Act.”;

in line 18, strike “2.” and substitute “3.”; and in line 19, strike “October” and substitute “July”.