

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegate Menes**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure - Supervised Probation - ~~Applicability of Exemption~~**
3 **~~from Paying Fee~~ Exemptions from Program and Supervision Fees**

4 FOR the purpose of authorizing a court to exempt a certain person under the
5 supervision of the Division of Parole and Probation from paying a certain
6 monthly program fee under certain circumstances; clarifying that a certain
7 exemption from paying a certain monthly fee that a court may grant a certain
8 person under the supervision of the Division of ~~Parole and Probation~~ under
9 certain circumstances applies to any monthly fee imposed under a certain
10 provision of law, including the monthly fee imposed during certain fiscal years;
11 providing for the application of this Act; and generally relating to fees imposed
12 on persons in supervised probation.

13 BY repealing and reenacting, with amendments,

14 Article - Correctional Services

15 Section 6-115

16 Annotated Code of Maryland

1 (1999 Volume and 2005 Supplement)

2 BY repealing and reenacting, without amendments,

3 Article - Criminal Procedure

4 Section 6-226(a) and (d)

5 Annotated Code of Maryland

6 (2001 Volume and 2005 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Criminal Procedure

9 Section 6-226(b)

10 Annotated Code of Maryland

11 (2001 Volume and 2005 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Correctional Services**

15 6-115.

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

17 (2) "Program fee" means any fee the Division assesses on a supervisee

18 the Division places in the Drinking Driver Monitor Program.

19 (3) "Supervisee" means a person that the court places under the

20 supervision of the Division.

21 (4) "Supervision fee" means the fee the court orders under § 6-226 of the

22 Criminal Procedure Article.

23 (b) [All supervisees] UNLESS A SUPERVISEE IS EXEMPT UNDER SUBSECTION

24 (D) OF THIS SECTION, EACH SUPERVISEE placed in the Drinking Driver Monitor

25 Program by the Division shall be:

26 (1) subject to a monthly supervision fee in accordance with § 6-226 of the

27 Criminal Procedure Article; and

28 (2) for fiscal years 2006 through 2010 only, assessed a monthly program

29 fee of \$45 by the Division.

30 (c) (1) The Program fee imposed under this section shall be paid to the

31 Division by all supervisees in the Drinking Driver Monitor Program from July 1, 2005

32 through June 30, 2010.

33 (2) The Division shall pay the Program fees collected under this section

34 into the Drinking Driver Monitor Program Fund.

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

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

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

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

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

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

15 (5) other extenuating circumstances exist.

16 **Article - Criminal Procedure**

17 6-226.

18 (a) In this section, "supervisee" means a person that the court places under
 19 the supervision of the Division of Parole and Probation.

20 (b) [(1)] Unless the supervisee is exempt under subsection (d) of this section,
 21 [except as provided in paragraph (2) of this subsection,] the court shall impose:

22 (1) a monthly fee of \$25 on a supervisee[.]; OR

23 (2) [For] FOR fiscal years 2006 through 2010 only, [the] A monthly fee
 24 [imposed under this subsection shall be \$40] OF \$40 ON A SUPERVISEE.

25 (d) The court may exempt a supervisee as a whole or in part from the fee
 26 imposed under this section if:

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

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

32 (ii) certification of student status is supplied to the court by the
 33 institution in which the supervisee is enrolled;

1 (3) the supervisee has a handicap limiting employment, as determined
2 by a physical or psychological examination accepted or ordered by the court;

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

5 (5) other extenuating circumstances exist.

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

10 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect ~~October~~ July 1, 2006.