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By: **Delegate Menes**

Introduced and read first time: January 31, 2006

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Supervised Probation - Applicability of Exemption**  
3 **from Paying Fee**

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

10 BY repealing and reenacting, without amendments,  
11 Article - Criminal Procedure  
12 Section 6-226(a) and (d)  
13 Annotated Code of Maryland  
14 (2001 Volume and 2005 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - Criminal Procedure  
17 Section 6-226(b)  
18 Annotated Code of Maryland  
19 (2001 Volume and 2005 Supplement)

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

22 **Article - Criminal Procedure**

23 6-226.

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

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

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

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

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

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

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

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

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

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

17 (5) other extenuating circumstances exist.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2006.