
By: **Delegate Menes**

Introduced and read first time: January 31, 2006

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 21, 2006

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

12 BY repealing and reenacting, with amendments,

13 Article - Correctional Services

14 Section 6-115

15 Annotated Code of Maryland

16 (1999 Volume and 2005 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article - Criminal Procedure

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

20 Annotated Code of Maryland

21 (2001 Volume and 2005 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article - Criminal Procedure

1 Section 6-226(b)
2 Annotated Code of Maryland
3 (2001 Volume and 2005 Supplement)

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

6 **Article - Correctional Services**

7 6-115.

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

9 (2) "Program fee" means any fee the Division assesses on a supervisee
10 the Division places in the Drinking Driver Monitor Program.

11 (3) "Supervisee" means a person that the court places under the
12 supervision of the Division.

13 (4) "Supervision fee" means the fee the court orders under § 6-226 of the
14 Criminal Procedure Article.

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

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

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

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

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

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

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

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

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