E2 6lr2431

By: Delegate Menes
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Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
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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 <u>authorizing a court to exempt a certain person under the</u>
- 5 supervision of the Division from paying a certain monthly program fee under
- 6 <u>certain circumstances</u>; 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
- generally relating to fees imposed on persons in supervised probation.
- 12 BY repealing and reenacting, with amendments,
- 13 <u>Article Correctional Services</u>
- 14 Section 6-115
- 15 <u>Annotated Code of Maryland</u>
- 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 2 3	Section 6-226(b) Annotated Code of Maryland (2001 Volume and 2005 Supplement)
4 5	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
6	Article - Correctional Services
7	<u>6-115.</u>
8	(a) <u>(1)</u> <u>In this section the following words have the meanings indicated.</u>
9 10	(2) "Program fee" means any fee the Division assesses on a supervisee the Division places in the Drinking Driver Monitor Program.
11 12	(3) "Supervisee" means a person that the court places under the supervision of the Division.
13 14	(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:
18 19	(1) subject to a monthly supervision fee in accordance with § 6-226 of the Criminal Procedure Article; and
20 21	(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.
25 26	(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:
30 31	(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

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1	(ii) certification of student status is supplied to the COURT OR Division by the institution in which the supervisee is enrolled;
3	(3) the supervisee has a handicap limiting employment, as determined by a physical or psychological examination accepted by the COURT OR Division:
5 6	(4) the supervisee is responsible for the support of dependents and the payment of the fee is an undue hardship on the supervisee; or
7	(5) other extenuating circumstances exist.
8	Article - Criminal Procedure
9	6-226.
10 11	(a) In this section, "supervisee" means a person that the court places under the supervision of the Division of Parole and Probation.
12 13	(b) [(1)] Unless the supervisee is exempt under subsection (d) of this section, [except as provided in paragraph (2) of this subsection,] the court shall impose:
14	(1) a monthly fee of \$25 on a supervisee[.]; OR
15 16	(2) [For] FOR fiscal years 2006 through 2010 only, [the] A monthly fee [imposed under this subsection shall be \$40] OF \$40 ON A SUPERVISEE.
17 18	(d) The court may exempt a supervisee as a whole or in part from the fee imposed under this section if:
19 20	(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
24 25	(ii) certification of student status is supplied to the court by the institution in which the supervisee is enrolled;
26 27	(3) the supervisee has a handicap limiting employment, as determined by a physical or psychological examination accepted or ordered by the court;
28 29	(4) the supervisee is responsible for the support of dependents and the payment of the fee is an undue hardship on the supervisee; or
30	(5) other extenuating circumstances exist.
33	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.

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