

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**

**Revised**

House Bill 514

(Delegate Menes)

Judiciary

Judicial Proceedings

---

**Criminal Procedure - Supervised Probation - Exemptions from Program and Supervision Fees**

---

This bill specifies that a court may grant an exemption to the monthly probation supervision fee of \$40 on a supervisee for fiscal 2006 through 2010 and clarifies that the fee remains at \$40 during that period. A court may also exempt a supervisee in the Drinking Driver Monitor Program (DDMP) from paying the monthly program fee of \$45 from fiscal 2006 through 2010.

---

**Fiscal Summary**

**State Effect:** Assuming that exemptions to the monthly fee would be granted by the courts at the same rate as they have been granted to date, this bill should have no fiscal impact. Calculations of revenues from the fee increase from FY 2006 through 2010 have already assumed an imposition rate that includes exemptions. Because the frequency that exemptions from the new DDMP monthly program fee may be granted is unknown, any special fund losses resulting from those exemptions cannot be readily predicted. In any event, special fund losses resulting from exemptions would tend to delay, or even prevent, the program from becoming self-sustaining. The extent to which such DDMP shortfalls would be met with deficiency adjustments by the Governor is unknown.

**Local Effect:** None.

**Small Business Effect:** None.

---

## Analysis

**Current Law:** Legislation adopted at the 1991 legislative session mandated the imposition of monthly supervision fees for offenders supervised by the Division of Parole and Probation (DPP). Until 2005, the monthly fees of \$40 for parolees and mandatory supervision releasees and \$25 for probationers had remained unchanged since their inception. Chapter 444 of 2005 (Budget Reconciliation and Financing Act of 2005) increased the supervision fee charged to probationers to \$40 per month for five years, making the monthly fee consistent for all supervisees. The supervision fees collected are paid into the general fund.

Chapter 444 of 2005 also required a new monthly program fee of \$45 for all supervisees placed in DDMP, for fiscal 2006 through 2010 only, in addition to the \$40 DPP monthly supervision fee that all probationers pay, with the aim of making the program fully fee-supported. The DDMP program fees are paid into the Drinking Driver Monitor Program Fund. The Governor was encouraged, with budget bill language, to provide a deficiency appropriation if the revenues generated from the new fee were not adequate to cover operating expenses.

Current law does not permit the court to exempt individuals from paying this program fee.

**Background:** The increase from \$25 to \$40 was expected to provide additional general fund revenue of \$709,635 in fiscal 2006 (due to application of the higher fee only on probationers assigned by the court after July 1, 2005) and \$1,310,400 thereafter, through fiscal 2010. Probationers already under supervision would continue to pay the \$25 monthly fee. The change also effectuated a contingent general fund appropriation and expenditure of \$598,000 beginning in fiscal 2006 – and expected to continue at that level through the affected fiscal years.

These annual revenue and expenditure calculations were based on the following facts and assumptions:

- DPP has approximately 40,000 probationers under its supervision at any one time;
- the court has imposed the monthly fee on about 36.4% of these probationers;
- DPP estimates its collection rate at about 50% of such fees owed;
- the fee increase would only be applicable to offenders sentenced on or after July 1, 2005; and

- a probationer under supervision subject to this fee could also be subject to the increase in court costs as well as the Drinking Driver Monitor Program monthly program fee.

However, in response to a request from the budget committees during the 2005 session, the Office of Legislative Audits studied and reported on supervision fee collection rates and, in part, found the actual collection rate for these probationers is 33.5%. If the other facts and assumptions cited above are correct, this would mean that the additional general fund revenue from the \$15 increase in fees would be \$475,455 in fiscal 2006 and \$877,968, annually, from fiscal 2007 through 2010.

The audit report found that participants in DDMP pay fees at a rate of 63.9%. The Division of Parole and Probation reports that, between July 1, 2005 and mid-December 2005, \$3,075,351.61 was collected from the new DDMP program fee. The fiscal 2006 allowance, which is entirely funded by the program fee, was \$8,251,830. Based on year-to-date collections (through mid-December), these revenues may only total approximately \$6.7 million for the full year, a difference of approximately \$1.5 million. However, beginning in fiscal 2007, Legislative Services believes that, if this collection rate holds for the newly assessed fee, the revenue generated should be adequate to fund the program operations.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (District Court), Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 13, 2006  
g/jr Revised - House Third Reader - March 24, 2006

---

Analysis by: Guy G. Cherry

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510