

HOUSE BILL 12

E2
HB 514/06 – JUD

71r0443

By: **Delegates Anderson and Vaughn**
Introduced and read first time: January 11, 2007
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Supervised Probation – Exemptions from Program and**
3 **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 under certain circumstances
9 applies to any monthly fee imposed under a certain provision of law, including
10 the monthly fee imposed during certain fiscal years; providing for the
11 application of this Act; and generally relating to fees imposed on persons in
12 supervised probation.

13 BY repealing and reenacting, with amendments,
14 Article – Correctional Services
15 Section 6–115
16 Annotated Code of Maryland
17 (1999 Volume and 2006 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Criminal Procedure
20 Section 6–226(a) and (d)
21 Annotated Code of Maryland
22 (2001 Volume and 2006 Supplement)

23 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Criminal Procedure
2 Section 6–226(b)
3 Annotated Code of Maryland
4 (2001 Volume and 2006 Supplement)

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

7 **Article – Correctional Services**

8 6–115.

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

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

12 (3) “Supervisee” means a person that the court places under the
13 supervision of the Division.

14 (4) “Supervision fee” means the fee the court orders under § 6–226 of
15 the Criminal Procedure Article.

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

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

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

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

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

1 (d) [Notwithstanding subsections (b) and (c) of this section,] **A COURT OR**
2 the Division may exempt a supervisee as a whole or in part from the Program fee
3 imposed 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
7 or 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
21 section, [except as provided in paragraph (2) of this subsection,] the court shall
22 impose:

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

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

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

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

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

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

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

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

12 (5) other extenuating circumstances exist.

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

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 July 1, 2007.