

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 391 (Chair, Judiciary Committee)
(By Request – Departmental – Public Safety and Correctional Services)

Judiciary

Correctional Services - Powers of Director of the Division of Parole and Probation - Execution of Warrants

This departmental bill allows the Director of the Division of Parole and Probation to authorize division employees to execute warrants for the arrest of probationers who have committed a violation of probation.

Fiscal Summary

State Effect: None. Although this bill would likely provide some operational efficiencies for the division relating to the apprehension of probation violators, there is no direct fiscal impact on the agency.

Local Effect: None. Fewer calls from division employees relating to the execution of warrants by local law enforcement units is not expected to significantly affect the overall operations or finances of local governments.

Small Business Effect: The Department of Public Safety and Correctional Services has determined that the bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: The Director of the Division of Parole and Probation may authorize parole and probation employees of the division to: (1) execute warrants for the retaking of offenders; (2) obtain and execute authorized search warrants; and (3) arrest offenders

in home detention. A division employee authorized to make arrests under these provisions must meet the minimum qualifications required by the Maryland Police Training Commission and satisfactorily complete the training prescribed by the commission.

A sheriff or police officer authorized to serve criminal process, or a parole and probation employee properly designated, who receives a warrant for the retaking of an alleged violator must execute the warrant in accordance with the directions in the warrant.

Background: Under the general retaking authority cited above, the division is authorized to execute warrants for the retaking of persons for a violation of the terms of a parole or mandatory supervision release. For violation of probation warrants issued by the courts, the division must rely on local law enforcement units for the execution of the warrant. The division routinely requests such violation of probation warrants. However, even under circumstances where the probation violator reports to a division office, division personnel may not actually execute the court ordered warrant. Often a 911 call to local law enforcement is made for that purpose – sometimes resulting in flight by the violator.

The division advises that the authority granted under the bill would be granted to the existing Warrant Apprehension Unit of the division. All persons attached to this unit have received training from the Police Training Commission.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts, Maryland District Court), Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2008
mcp/jr

Analysis by: Guy G. Cherry

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