

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 499  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 10 down through “Probation” in line 14 and substitute “authorizing the Division of Parole and Probation to recommend to the Parole Commission that a certain supervisee be exempt wholly or partly from a certain fee; defining a certain term; making conforming changes; and generally relating to fees paid by individuals supervised by the Division of Parole and Probation”; in line 15, strike “adding to” and substitute “repealing and reenacting, with amendments,”; and in line 17, strike “7-702(j)” and substitute “7-702”.

AMENDMENT NO. 2

On page 4, strike in their entirety lines 7 through 12, inclusive, and substitute:

“(a) (1) In this section[, “supervisee”] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DIVISION” MEANS THE DIVISION OF PAROLE AND PROBATION.

(3) “SUPERVISEE” means an individual supervised by the Division [of Parole and Probation for the Commission].

(b) Unless a supervisee is exempted by the Commission under subsection (d) of this section, the Commission shall assess a monthly fee of \$40 as a condition of supervision for each supervisee.

(c) (1) The fee assessed under subsection (b) of this section shall be paid to the Division [of Parole and Probation].

(Over)

(2) The Division [of Parole and Probation] shall pay all money collected under this section into the General Fund of the State.

(d) The Commission may exempt a supervisee wholly or partly from the fee assessed under subsection (b) of this section if:

(1) the supervisee has diligently attempted 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 supervisee for gainful employment; and

(ii) the institution in which the supervisee is enrolled supplies certification of student status to the Commission;

(3) the supervisee has a disability that limits possible employment, as determined by a physical or psychological examination that the Commission accepts or orders;

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

(5) other extenuating circumstances exist.

(e) The fee assessed under subsection (b) of this section is in addition to court costs and fines.

(f) (1) If a supervisee does not comply with the fee requirement:

(i) the Division [of Parole and Probation] shall notify the Commission; and

(ii) the Commission may revoke parole or mandatory supervision.

(2) The Commission shall conduct a hearing to determine if there are sufficient grounds to find the supervisee in violation of the fee requirement.

(3) At a hearing under this subsection, the Commission may consider:

(i) any material change in the supervisee's financial status;

(ii) good faith efforts of the supervisee to pay the fee; and

(iii) alternative means to assure payment of the fee before the period of supervision ends.

(g) (1) In addition to the fee assessed under subsection (b) of this section, the Division [of Parole and Probation] may require a supervisee to pay for drug or alcohol abuse testing that the Commission orders.

(2) If a supervisee fails to pay for drug or alcohol abuse testing as required by the Division [of Parole and Probation], the Commission may revoke parole or mandatory supervision.

(3) If the Division [of Parole and Probation] determines that any of the criteria specified in subsection (d) of this section are applicable, the Division may exempt a supervisee wholly or partly from a payment for drug or alcohol abuse testing.

(h) The Division [of Parole and Probation] shall:

(Over)

- (1) adopt guidelines for collecting the supervision fee;
- (2) adopt guidelines for collecting the cost of drug and alcohol abuse testing; and
- (3) investigate requests for an exemption from payment if the Commission requests an investigation.

(i) The Division [of Parole and Probation] shall:

- (1) keep records of all payments by each supervisee; and
- (2) report delinquencies to the Commission.

**(J) THE DIVISION MAY RECOMMEND TO THE COMMISSION THAT A SUPERVISEE BE EXEMPT WHOLLY OR PARTLY FROM THE FEE ASSESSED UNDER SUBSECTION (B) OF THIS SECTION. ”.**