

SENATE BILL 499

E4

01r2435
CF 01r2169

By: **Senator Raskin**

Introduced and read first time: February 3, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Division of Parole and Probation – Supervision Fee**

3 FOR the purpose of transferring certain responsibilities relating to the assessment of a
4 certain supervision fee from the Parole Commission to the Division of Parole
5 and Probation; repealing a requirement that the Division of Parole and
6 Probation investigate requests for a certain exemption under certain
7 circumstances; requiring the Division to conduct a certain examination of a
8 supervisee at certain times for certain purposes; defining a certain term;
9 making conforming changes; and generally relating to fees paid by individuals
10 supervised by the Division of Parole and Probation.

11 BY repealing and reenacting, with amendments,
12 Article – Correctional Services
13 Section 7–702
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2009 Supplement)

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

18 **Article – Correctional Services**

19 7–702.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (b) Unless a supervisee is exempted by the [Commission] **DIVISION** under
4 subsection [(d)] **(C) OR (H)** of this section, the [Commission] **DIVISION** shall assess a
5 monthly fee of \$40 as a condition of supervision for each supervisee.

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

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

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

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

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

17 (ii) the institution in which the supervisee is enrolled supplies
18 certification of student status to the [Commission] **DIVISION**;

19 (3) the supervisee has a disability that limits possible employment, as
20 determined by a physical or psychological examination that the [Commission]
21 **DIVISION** accepts or orders;

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

24 (5) other extenuating circumstances exist.

25 **(D)** **THE DIVISION SHALL PAY ALL MONEY COLLECTED UNDER THIS**
26 **SECTION TO THE GENERAL FUND OF THE STATE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (1) adopt guidelines for collecting the supervision fee;

22 (2) adopt guidelines for collecting the cost of drug and alcohol abuse
23 testing; and

24 (3) [investigate requests for an exemption from payment if the
25 Commission requests an investigation] **CONDUCT AN EVALUATION OF EACH
26 SUPERVISEE AT THE BEGINNING OF THE SUPERVISEE'S PAROLE OR MANDATORY
27 SUPERVISION TERM AND WHEN A CHANGE IN CIRCUMSTANCES OCCURS TO
28 DETERMINE WHETHER TO EXEMPT THE SUPERVISEE WHOLLY OR PARTLY FROM
29 THE FEE ASSESSED UNDER SUBSECTION (B) OF THIS SECTION.**

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

31 (1) keep records of all payments by each supervisee; and

32 (2) report delinquencies to the Commission.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2010.