

# HOUSE BILL 749

E4

(1lr2423)

## *ENROLLED BILL*

— *Judiciary/Judicial Proceedings* —

Introduced by **Delegates Waldstreicher, Anderson, Dumais, Rosenberg, and Valderrama**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

3 FOR the purpose of requiring the Department of Public Safety and Correctional  
4 Services and the appropriate local detention center, on the release of an  
5 individual supervised by the Division of Parole and Probation, to provide the  
6 individual with an oral and a written notice relating to the application for an  
7 exemption from a certain monthly supervision fee; and generally relating to  
8 providing information on exemption from fees paid by individuals supervised by  
9 the Division of Parole and Probation.

10 BY repealing and reenacting, with amendments,

11 Article – Correctional Services

12 Section 7–702

13 Annotated Code of Maryland

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



1 (2008 Replacement Volume and 2010 Supplement)

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

4 **Article – Correctional Services**

5 7–702.

6 (a) In this section, “supervisee” means an individual supervised by the  
7 Division of Parole and Probation for the Commission.

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

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

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

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

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

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

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

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

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

29 (5) other extenuating circumstances exist.

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

- 1           (f)   (1)   If a supervisee does not comply with the fee requirement:
- 2                           (i)   the Division of Parole and Probation shall notify the  
3 Commission; and
- 4                           (ii)  the Commission may revoke parole or mandatory  
5 supervision.
- 6           (2)   The Commission shall conduct a hearing to determine if there are  
7 sufficient grounds to find the supervisee in violation of the fee requirement.
- 8           (3)   At a hearing under this subsection, the Commission may consider:
- 9                           (i)   any material change in the supervisee's financial status;
- 10                          (ii)  good faith efforts of the supervisee to pay the fee; and
- 11                          (iii) alternative means to assure payment of the fee before the  
12 period of supervision ends.
- 13           (g)   (1)   In addition to the fee assessed under subsection (b) of this section,  
14 the Division of Parole and Probation may require a supervisee to pay for drug or  
15 alcohol abuse testing that the Commission orders.
- 16           (2)   If a supervisee fails to pay for drug or alcohol abuse testing as  
17 required by the Division of Parole and Probation, the Commission may revoke parole  
18 or mandatory supervision.
- 19           (3)   If the Division of Parole and Probation determines that any of the  
20 criteria specified in subsection (d) of this section are applicable, the Division may  
21 exempt a supervisee wholly or partly from a payment for drug or alcohol abuse testing.
- 22           (h)   The Division of Parole and Probation shall:
- 23                           (1)   adopt guidelines for collecting the supervision fee;
- 24                           (2)   adopt guidelines for collecting the cost of drug and alcohol abuse  
25 testing; and
- 26                           (3)   investigate requests for an exemption from payment if the  
27 Commission requests an investigation.
- 28           (i)   The Division of Parole and Probation shall:
- 29                           (1)   keep records of all payments by each supervisee; and
- 30                           (2)   report delinquencies to the Commission.

1           **(J) ON RELEASE OF A SUPERVISEE, THE DEPARTMENT AND THE**  
2 **APPROPRIATE LOCAL DETENTION CENTER SHALL PROVIDE THE SUPERVISEE**  
3 **WITH AN ORAL AND A WRITTEN NOTICE THAT:**

4                   **(1) STATES THE CRITERIA LISTED IN SUBSECTION (D) OF THIS**  
5 **SECTION THAT THE COMMISSION MAY USE IN DETERMINING WHETHER TO**  
6 **EXEMPT A SUPERVISEE FROM THE SUPERVISION FEE ASSESSED UNDER**  
7 **SUBSECTION (B) OF THIS SECTION; AND**

8                   **(2) EXPLAINS THE PROCESS OF APPLYING FOR AN EXEMPTION**  
9 **FROM THE SUPERVISION FEE.**

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2011.

Approved:

\_\_\_\_\_ Governor.

\_\_\_\_\_ Speaker of the House of Delegates.

\_\_\_\_\_ President of the Senate.