

Chapter 225

(House Bill 749)

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

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

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 7–702
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Article – Correctional Services

7–702.

(a) In this section, “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.

(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:

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

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

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

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

Approved by the Governor, May 10, 2011.