

# SENATE BILL 691

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CF 2lr0456

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By: **Senator Shank**

Introduced and read first time: February 3, 2012

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Earned Compliance Credit and Reinvestment Act of 2012**

3 FOR the purpose of requiring the Department of Public Safety and Correctional  
4 Services to establish a program to implement certain earned compliance credits,  
5 which create a certain reduction in a certain period of active supervision for  
6 certain individuals and develop policies and procedures for the implementation  
7 of the program; requiring the Maryland Parole Commission or the court to  
8 adjust a period of supervision for an individual placed on probation by the court  
9 or serving a period of parole or mandatory release supervision from a  
10 correctional facility under certain circumstances; requiring a supervised  
11 individual whose period of active supervision has been completely reduced by  
12 earned compliance credits to be placed on abatement for a certain amount of  
13 time, with certain exceptions; authorizing a court to place a supervised  
14 individual on active supervision if the supervised individual commits a violation  
15 of probation while on abatement; requiring that a certain percentage of the  
16 savings realized by the Department as a result of the application of earned  
17 compliance credits revert to the Department; providing for the construction of  
18 this Act; defining certain terms; providing for a delayed effective date; and  
19 generally relating to parole and probation and earned compliance credits.

20 BY adding to

21 Article – Correctional Services

22 Section 6–117

23 Annotated Code of Maryland

24 (2008 Replacement Volume and 2011 Supplement)

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

27 **Article – Correctional Services**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **6-117.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
3 MEANINGS INDICATED.

4 (2) "ABATEMENT" MEANS AN END TO ACTIVE SUPERVISION OF A  
5 SUPERVISED INDIVIDUAL, WITHOUT EFFECT ON THE LEGAL EXPIRATION DATE  
6 OF THE CASE OR THE SUPERVISED INDIVIDUAL'S OBLIGATION TO:

7 (I) OBEY ALL LAWS;

8 (II) REPORT AS INSTRUCTED; AND

9 (III) OBTAIN WRITTEN PERMISSION FROM THE DIVISION OF  
10 PAROLE AND PROBATION BEFORE RELOCATING THE SUPERVISED INDIVIDUAL'S  
11 RESIDENCE OUTSIDE THE STATE.

12 (3) "EARNED COMPLIANCE CREDIT" MEANS A 20-DAY  
13 REDUCTION FROM THE PERIOD OF ACTIVE SUPERVISION OF THE SUPERVISED  
14 INDIVIDUAL FOR EVERY MONTH THAT A SUPERVISED INDIVIDUAL:

15 (I) EXHIBITS FULL OR SUBSTANTIAL COMPLIANCE WITH  
16 THE CONDITIONS, GOALS, AND TREATMENT AS PART OF THE SUPERVISED  
17 INDIVIDUAL'S PROBATION, PAROLE, OR MANDATORY RELEASE SUPERVISION, AS  
18 DETERMINED BY THE DEPARTMENT;

19 (II) HAS NO NEW ARRESTS;

20 (III) HAS NOT VIOLATED ANY CONDITIONS OF NO CONTACT  
21 IMPOSED ON THE SUPERVISED INDIVIDUAL;

22 (IV) IS CURRENT ON COURT ORDERED PAYMENTS FOR  
23 RESTITUTION, FINES, AND FEES RELATING TO THE OFFENSE FOR WHICH  
24 EARNED COMPLIANCE CREDITS ARE BEING ACCRUED; AND

25 (V) IS CURRENT IN COMPLETING ANY COMMUNITY SERVICE  
26 REQUIREMENTS INCLUDED IN THE CONDITIONS OF THE SUPERVISED  
27 INDIVIDUAL'S PROBATION, PAROLE, OR MANDATORY RELEASE SUPERVISION.

28 (4) (I) "SUPERVISED INDIVIDUAL" MEANS AN INDIVIDUAL  
29 PLACED ON PROBATION BY A COURT OR SERVING A PERIOD OF PAROLE OR  
30 MANDATORY RELEASE SUPERVISION AFTER RELEASE FROM A CORRECTIONAL  
31 FACILITY.

1                   **(II) “SUPERVISED INDIVIDUAL” DOES NOT INCLUDE:**

2                   **1. A PERSON INCARCERATED, ON PROBATION, OR**  
3 **CURRENTLY BEING SUPERVISED IN THIS STATE FOR A CRIME OF VIOLENCE;**

4                   **2. A PERSON INCARCERATED OR CURRENTLY BEING**  
5 **SUPERVISED IN THIS STATE FOR A CRIME UNDER TITLE 3, SUBTITLE 3, OF THE**  
6 **CRIMINAL LAW ARTICLE;**

7                   **3. A PERSON INCARCERATED OR CURRENTLY BEING**  
8 **SUPERVISED IN THIS STATE FOR A VIOLATION OF § 5–602 THROUGH § 5–617, §**  
9 **5–627, OR § 5–628 OF THE CRIMINAL LAW ARTICLE;**

10                   **4. A PERSON REGISTERED OR ELIGIBLE FOR**  
11 **REGISTRATION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL LAW ARTICLE;**

12                   **5. A PERSON WHO WAS CONVICTED IN ANY OTHER**  
13 **JURISDICTION OF A CRIME AND THE PERSON’S SUPERVISION WAS**  
14 **TRANSFERRED TO THIS STATE; OR**

15                   **6. A PERSON WHO WAS CONVICTED IN THIS STATE**  
16 **OF A CRIME AND THE PERSON’S SUPERVISION WAS TRANSFERRED TO ANOTHER**  
17 **STATE.**

18                   **(B) THE DEPARTMENT SHALL:**

19                   **(1) ESTABLISH A PROGRAM TO IMPLEMENT EARNED COMPLIANCE**  
20 **CREDITS; AND**

21                   **(2) ADOPT POLICIES AND PROCEDURES TO IMPLEMENT THE**  
22 **PROGRAM.**

23                   **(C) NOTWITHSTANDING ANY OTHER LAW, THE MARYLAND PAROLE**  
24 **COMMISSION OR THE COURT SHALL ADJUST THE PERIOD OF A SUPERVISED**  
25 **INDIVIDUAL’S SUPERVISION ON THE RECOMMENDATION OF THE DIVISION OF**  
26 **PAROLE AND PROBATION FOR EARNED COMPLIANCE CREDITS ACCRUED UNDER**  
27 **A PROGRAM CREATED UNDER THIS SECTION.**

28                   **(D) A SUPERVISED INDIVIDUAL WHOSE PERIOD OF ACTIVE**  
29 **SUPERVISION HAS BEEN COMPLETELY REDUCED AS A RESULT OF EARNED**  
30 **COMPLIANCE CREDITS SHALL REMAIN ON ABATEMENT UNTIL THE EXPIRATION**

1 OF THE SUPERVISED INDIVIDUAL'S INITIAL PERIOD OF ACTIVE SUPERVISION,  
2 UNLESS:

3 (1) THE SUPERVISED INDIVIDUAL CONSENTS TO CONTINUED  
4 ACTIVE SUPERVISION; OR

5 (2) THE SUPERVISED INDIVIDUAL VIOLATES A CONDITION OF  
6 PROBATION, PAROLE, OR MANDATORY RELEASE SUPERVISION INCLUDING  
7 FAILURE TO PAY A REQUIRED PAYMENT OF RESTITUTION.

8 (E) IF A SUPERVISED INDIVIDUAL VIOLATES A CONDITION OF  
9 PROBATION WHILE ON ABATEMENT, A COURT MAY ORDER THE SUPERVISED  
10 INDIVIDUAL TO BE RETURNED TO ACTIVE SUPERVISION.

11 (F) (1) TWENTY-FIVE PERCENT OF THE SAVINGS REALIZED BY THE  
12 DEPARTMENT AS A RESULT OF THE APPLICATION OF EARNED COMPLIANCE  
13 CREDITS SHALL REVERT TO THE DEPARTMENT.

14 (2) AFTER THE SAVINGS FROM SUBSECTION (G)(1) REVERT TO  
15 THE DEPARTMENT, ANY REMAINING SAVINGS SHALL REVERT TO THE GENERAL  
16 FUND.

17 (G) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY  
18 OF A COURT OR THE PAROLE COMMISSION TO EXTEND PROBATION, PAROLE, OR  
19 MANDATORY RELEASE SUPERVISION UNDER § 6-222 OF THE CRIMINAL  
20 PROCEDURE ARTICLE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2014.