

SENATE BILL 691

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2lr2090
CF HB 670

By: ~~Senator Shank~~ **Senators Shank, Frosh, Getty, and Gladden**

Introduced and read first time: February 3, 2012

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2012

Returned to second reading: March 17, 2012

Senate action: Adopted with floor amendments

Read second time: March 17, 2012

CHAPTER _____

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~~ authorizing the Maryland Parole Commission or the
8 court to adjust a period of supervision for an individual placed on probation by
9 the court 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 the application of this Act;
19 providing for a delayed effective date; and generally relating to parole and
20 probation and earned compliance credits.

21 BY adding to

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.



1 Article – Correctional Services
2 Section 6–117
3 Annotated Code of Maryland
4 (2008 Replacement Volume and 2011 Supplement)

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

7 **Article – Correctional Services**

8 **6–117.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
10 MEANINGS INDICATED.

11 (2) “ABATEMENT” MEANS AN END TO ACTIVE SUPERVISION OF A
12 SUPERVISED INDIVIDUAL, WITHOUT EFFECT ON THE LEGAL EXPIRATION DATE
13 OF THE CASE OR THE SUPERVISED INDIVIDUAL’S OBLIGATION TO:

14 (I) OBEY ALL LAWS;

15 (II) REPORT AS INSTRUCTED; AND

16 (III) OBTAIN WRITTEN PERMISSION FROM THE DIVISION OF
17 PAROLE AND PROBATION BEFORE RELOCATING THE SUPERVISED INDIVIDUAL’S
18 RESIDENCE OUTSIDE THE STATE.

19 (3) “EARNED COMPLIANCE CREDIT” MEANS A 20–DAY
20 REDUCTION FROM THE PERIOD OF ACTIVE SUPERVISION OF THE SUPERVISED
21 INDIVIDUAL FOR EVERY MONTH THAT A SUPERVISED INDIVIDUAL:

22 (I) EXHIBITS FULL ~~OR SUBSTANTIAL~~ COMPLIANCE WITH
23 THE CONDITIONS, GOALS, AND TREATMENT AS PART OF THE SUPERVISED
24 INDIVIDUAL’S PROBATION, PAROLE, OR MANDATORY RELEASE SUPERVISION, AS
25 DETERMINED BY THE DEPARTMENT;

26 (II) HAS NO NEW ARRESTS;

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

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

1 (V) IS CURRENT IN COMPLETING ANY COMMUNITY ~~SERVICE~~
2 SUPERVISION REQUIREMENTS INCLUDED IN THE CONDITIONS OF THE
3 SUPERVISED INDIVIDUAL'S PROBATION, PAROLE, OR MANDATORY RELEASE
4 SUPERVISION.

5 (4) (I) "SUPERVISED INDIVIDUAL" MEANS AN INDIVIDUAL
6 PLACED ON PROBATION BY A COURT OR SERVING A PERIOD OF PAROLE OR
7 MANDATORY RELEASE SUPERVISION AFTER RELEASE FROM A CORRECTIONAL
8 FACILITY.

9 (II) "SUPERVISED INDIVIDUAL" DOES NOT INCLUDE:

10 1. A PERSON INCARCERATED, ON PROBATION, OR
11 ~~CURRENTLY BEING SUPERVISED~~ CONVICTED IN THIS STATE FOR A CRIME OF
12 VIOLENCE;

13 2. A PERSON INCARCERATED, ON PROBATION, OR
14 ~~CURRENTLY BEING SUPERVISED~~ CONVICTED IN THIS STATE FOR A CRIME
15 UNDER TITLE 3, SUBTITLE 3, OF THE CRIMINAL LAW ARTICLE;

16 3. A PERSON INCARCERATED, ON PROBATION, OR
17 ~~CURRENTLY BEING SUPERVISED~~ CONVICTED IN THIS STATE FOR A VIOLATION
18 OF § 5-602 THROUGH § 5-617, § 5-627, OR § 5-628 OF THE CRIMINAL LAW
19 ARTICLE;

20 4. A PERSON REGISTERED OR ELIGIBLE FOR
21 REGISTRATION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL ~~LAW~~
22 PROCEDURE ARTICLE;

23 5. A PERSON WHO WAS CONVICTED IN ANY OTHER
24 JURISDICTION OF A CRIME AND THE PERSON'S SUPERVISION WAS
25 TRANSFERRED TO THIS STATE; OR

26 6. A PERSON WHO WAS CONVICTED IN THIS STATE
27 OF A CRIME AND THE PERSON'S SUPERVISION WAS TRANSFERRED TO ANOTHER
28 STATE.

29 (B) THE DEPARTMENT SHALL:

30 (1) ESTABLISH A PROGRAM TO IMPLEMENT EARNED COMPLIANCE
31 CREDITS; AND

32 (2) ADOPT POLICIES AND PROCEDURES TO IMPLEMENT THE
33 PROGRAM.

1 (C) NOTWITHSTANDING ANY OTHER LAW, THE MARYLAND PAROLE
2 COMMISSION OR THE COURT ~~SHALL~~ MAY ADJUST THE PERIOD OF A SUPERVISED
3 INDIVIDUAL'S SUPERVISION ON THE RECOMMENDATION OF THE DIVISION OF
4 PAROLE AND PROBATION FOR EARNED COMPLIANCE CREDITS ACCRUED UNDER
5 A PROGRAM CREATED UNDER THIS SECTION.

6 (D) A SUPERVISED INDIVIDUAL WHOSE PERIOD OF ACTIVE
7 SUPERVISION HAS BEEN COMPLETELY REDUCED AS A RESULT OF EARNED
8 COMPLIANCE CREDITS SHALL REMAIN ON ABATEMENT UNTIL THE EXPIRATION
9 OF THE SUPERVISED INDIVIDUAL'S ~~INITIAL PERIOD OF ACTIVE SUPERVISION~~
10 SENTENCE, UNLESS:

11 (1) THE SUPERVISED INDIVIDUAL CONSENTS TO CONTINUED
12 ACTIVE SUPERVISION; OR

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

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

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

22 (2) AFTER THE SAVINGS FROM SUBSECTION (G)(1) REVERT TO
23 THE DEPARTMENT, ANY REMAINING SAVINGS SHALL REVERT TO THE GENERAL
24 FUND.

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
30 construed to apply only prospectively and may not be applied or interpreted to have
31 any effect on or application to the conviction or supervision of any individual before
32 the effective date of this Act.

33 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
34 effect ~~October 1, 2014~~ January 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.