

## Chapter 564

(Senate Bill 691)

AN ACT concerning

### Earned Compliance Credit and Reinvestment Act of 2012

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

BY adding to

Article – Correctional Services

Section 6–117

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

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

#### Article – Correctional Services

6–117.

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

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

(I) OBEY ALL LAWS;

(II) REPORT AS INSTRUCTED; AND

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

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

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

(II) HAS NO NEW ARRESTS;

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

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

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

(4) (I) “SUPERVISED INDIVIDUAL” MEANS AN INDIVIDUAL PLACED ON PROBATION BY A COURT OR SERVING A PERIOD OF PAROLE OR MANDATORY RELEASE SUPERVISION AFTER RELEASE FROM A CORRECTIONAL FACILITY.

(II) “SUPERVISED INDIVIDUAL” DOES NOT INCLUDE:

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

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

3. A PERSON INCARCERATED, ON PROBATION, OR ~~CURRENTLY BEING SUPERVISED~~ CONVICTED IN THIS STATE FOR A VIOLATION OF § 2-503, § 5-602 THROUGH § 5-617, § 5-627, OR § 5-628 OF THE CRIMINAL LAW ARTICLE;

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

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

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

**(B) THE DEPARTMENT SHALL:**

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

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

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

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

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

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

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

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

(2) AFTER THE SAVINGS ~~FROM SUBSECTION (G)(1)~~ REVERT TO THE DEPARTMENT *IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION*, ANY REMAINING SAVINGS SHALL REVERT TO THE GENERAL FUND.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to ~~the conviction or supervision of any individual~~ *a sentence of an individual commencing before the effective date of this Act.*

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

**Approved by the Governor, May 22, 2012.**