

SENATE BILL 571

E2

3lr2576
CF HB 541

By: **Senators Shank and Getty**

Introduced and read first time: February 1, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Certificate of Rehabilitation**

3 FOR the purpose of establishing the policy of the State to encourage the employment
4 and reintegration into society of certain ex-offenders; authorizing the Maryland
5 Parole Commission to issue a certain certificate of rehabilitation to a certain
6 eligible offender who meets certain requirements; providing that a certificate of
7 rehabilitation establishes that a certain eligible offender has been rehabilitated
8 from certain criminal involvement; requiring the Commission to consider
9 certain factors before issuing a certificate of rehabilitation; authorizing the
10 Commission to conduct an investigation of an eligible offender to determine
11 whether to issue a certificate of rehabilitation to the eligible offender;
12 authorizing the Commission to revoke a certificate of rehabilitation under
13 certain circumstances; providing that, in granting or revoking a certificate of
14 rehabilitation, the action of the Commission shall be by majority vote of the
15 members authorized to grant or revoke parole; prohibiting a person from
16 knowingly using or attempting to use a revoked certificate of rehabilitation;
17 defining a certain term; and generally relating to certificates of rehabilitation.

18 BY adding to

19 Article – Correctional Services

20 Section 7–209

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2012 Supplement)

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

25 **Article – Correctional Services**

26 **7–209.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) IN THIS SECTION, “ELIGIBLE OFFENDER” MEANS A PERSON WHO**
2 **HAS BEEN CONVICTED OF A CRIME THAT IS NOT A VIOLENT CRIME OR A SEXUAL**
3 **OFFENSE.**

4 **(B) IT IS THE POLICY OF THE STATE TO ENCOURAGE THE EMPLOYMENT**
5 **AND REINTEGRATION INTO SOCIETY OF NONVIOLENT EX-OFFENDERS WHO**
6 **HAVE REHABILITATED THEMSELVES.**

7 **(C) THE COMMISSION MAY ISSUE A CERTIFICATE OF REHABILITATION**
8 **TO AN ELIGIBLE OFFENDER WHO:**

9 **(1) WAS COMMITTED TO THE JURISDICTION OF THE**
10 **DEPARTMENT;**

11 **(2) WAS RELEASED FROM A CORRECTIONAL INSTITUTION UNDER**
12 **CONDITIONS OF:**

13 **(I) PAROLE;**

14 **(II) PROBATION; OR**

15 **(III) MANDATORY SUPERVISION; AND**

16 **(3) HAS SUCCESSFULLY COMPLETED THE TERM OF SUPERVISION,**
17 **INCLUDING PAYING ALL REQUIRED RESTITUTION, FINES, FEES, AND OTHER**
18 **FINANCIAL OBLIGATIONS.**

19 **(D) A CERTIFICATE OF REHABILITATION ESTABLISHES THAT THE**
20 **ELIGIBLE OFFENDER TO WHOM IT HAS BEEN ISSUED HAS BEEN REHABILITATED**
21 **FROM HIS OR HER PREVIOUS CRIMINAL INVOLVEMENT.**

22 **(E) (1) THE COMMISSION SHALL CONSIDER THE FOLLOWING**
23 **FACTORS BEFORE ISSUING A CERTIFICATE OF REHABILITATION:**

24 **(I) THE NATURE OF EACH CONVICTION AND NUMBER OF**
25 **CONVICTIONS;**

26 **(II) THE LENGTH OF TIME THAT HAS PASSED SINCE THE**
27 **CONVICTION OR CONVICTIONS;**

28 **(III) WHETHER THE ELIGIBLE OFFENDER HAS MET ALL**
29 **CHILD AND SPOUSAL SUPPORT OBLIGATIONS;**

1 (IV) WHETHER THE ELIGIBLE OFFENDER HAS TIMELY PAID
2 ALL STATE, FEDERAL, AND LOCAL INCOME TAXES;

3 (V) WHETHER THE ELIGIBLE OFFENDER HAS MAINTAINED A
4 RESIDENCE FOR A SUBSTANTIAL PERIOD;

5 (VI) WHETHER THE ELIGIBLE OFFENDER HAS MAINTAINED
6 GAINFUL EMPLOYMENT OR DEMONSTRATED OTHER ACCEPTABLE MEANS OF
7 MEETING THE FINANCIAL NEEDS OF THE ELIGIBLE OFFENDER AND HIS OR HER
8 DEPENDENTS;

9 (VII) EVIDENCE THAT THE ELIGIBLE OFFENDER HAS
10 ADEQUATELY ADDRESSED ANY DRUG OR ALCOHOL ABUSE OR ADDICTION;

11 (VIII) LETTERS OF REFERENCE; AND

12 (IX) DOCUMENTATION OF THE ELIGIBLE OFFENDER'S
13 SERVICE TO THE COMMUNITY OR SPECIFIC INDIVIDUALS IN NEED.

14 (2) THE COMMISSION MAY CONDUCT AN INVESTIGATION OF THE
15 ELIGIBLE OFFENDER TO DETERMINE WHETHER TO ISSUE A CERTIFICATE OF
16 REHABILITATION.

17 (F) THE COMMISSION MAY REVOKE A CERTIFICATE OF
18 REHABILITATION IF THE ELIGIBLE OFFENDER TO WHOM THE CERTIFICATE WAS
19 ISSUED IS SUBSEQUENTLY CONVICTED OF ANY CRIME EXCEPT A
20 NONINCARCERABLE TRAFFIC OFFENSE.

21 (G) IN GRANTING OR REVOKING A CERTIFICATE OF REHABILITATION,
22 THE ACTION OF THE COMMISSION SHALL BE BY MAJORITY VOTE OF THE
23 MEMBERS AUTHORIZED TO GRANT OR REVOKE PAROLE.

24 (H) (1) A PERSON MAY NOT KNOWINGLY USE OR ATTEMPT TO USE A
25 REVOKED CERTIFICATE OF REHABILITATION.

26 (2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS
27 SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT
28 TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500
29 OR BOTH.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2013.