

SENATE BILL 728

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4lr2485
CF HB 531

By: **Senator Carter**

Introduced and read first time: January 31, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Parole Supervision Fees and Drug and Alcohol Abuse**
3 **Test Payment – Repeal**

4 FOR the purpose of repealing the requirement for the Maryland Parole Commission to
5 assess a fee against an individual on parole and supervised by the Division of Parole
6 and Probation under certain circumstances; repealing authorization for the Division
7 of Parole and Probation to require a supervisee of the Division who is on parole to
8 pay for certain drug or alcohol abuse testing under certain circumstances; and
9 generally relating to parole supervision fees and drug and alcohol abuse test
10 payment.

11 BY repealing
12 Article – Correctional Services
13 Section 7–702
14 Annotated Code of Maryland
15 (2017 Replacement Volume and 2023 Supplement)

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

18 **Article – Correctional Services**

19 [7–702.

20 (a) In this section, “supervisee” means an individual supervised by the Division
21 of Parole and Probation for the Commission.

22 (b) Unless a supervisee is exempted by the Commission under subsection (d) of
23 this section, the Commission shall assess a monthly fee of \$50 as a condition of supervision
24 for each supervisee.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) The fee assessed under subsection (b) of this section shall be paid to the
2 Division of Parole and Probation.

3 (2) The Division of Parole and Probation shall pay all money collected
4 under this section into the General Fund of the State.

5 (d) The Commission may exempt a supervisee wholly or partly from the fee
6 assessed under subsection (b) of this section if:

7 (1) the supervisee has diligently attempted but has been unable to obtain
8 employment that provides sufficient income for the supervisee to pay the fee;

9 (2) (i) the supervisee is a student in a school, college, or university or is
10 enrolled in a course of vocational or technical training designed to prepare the supervisee
11 for gainful employment; and

12 (ii) the institution in which the supervisee is enrolled supplies
13 certification of student status to the Commission;

14 (3) the supervisee has a disability that limits possible employment, as
15 determined by a physical or psychological examination that the Commission accepts or
16 orders;

17 (4) the supervisee is responsible for the support of dependents and the
18 payment of the fee constitutes an undue hardship on the supervisee; or

19 (5) other extenuating circumstances exist.

20 (e) The fee assessed under subsection (b) of this section is in addition to court
21 costs and fines.

22 (f) (1) If a supervisee does not comply with the fee requirement:

23 (i) the Division of Parole and Probation shall notify the Commission;
24 and

25 (ii) the Commission may revoke parole or mandatory supervision.

26 (2) The Commission shall conduct a hearing to determine if there are
27 sufficient grounds to find the supervisee in violation of the fee requirement.

28 (3) At a hearing under this subsection, the Commission may consider:

29 (i) any material change in the supervisee's financial status;

30 (ii) good faith efforts of the supervisee to pay the fee; and

1 (iii) alternative means to assure payment of the fee before the period
2 of supervision ends.

3 (g) (1) In addition to the fee assessed under subsection (b) of this section, the
4 Division of Parole and Probation may require a supervisee to pay for drug or alcohol abuse
5 testing that the Commission orders.

6 (2) If a supervisee fails to pay for drug or alcohol abuse testing as required
7 by the Division of Parole and Probation, the Commission may revoke parole or mandatory
8 supervision.

9 (3) If the Division of Parole and Probation determines that any of the
10 criteria specified in subsection (d) of this section are applicable, the Division may exempt a
11 supervisee wholly or partly from a payment for drug or alcohol abuse testing.

12 (h) The Division of Parole and Probation shall:

13 (1) adopt guidelines for collecting the supervision fee;

14 (2) adopt guidelines for collecting the cost of drug and alcohol abuse
15 testing; and

16 (3) investigate requests for an exemption from payment if the Commission
17 requests an investigation.

18 (i) The Division of Parole and Probation shall:

19 (1) keep records of all payments by each supervisee; and

20 (2) report delinquencies to the Commission.

21 (j) On release of a supervisee, the Department and the appropriate local
22 detention center shall provide the supervisee with an oral and a written notice that:

23 (1) states the criteria listed in subsection (d) of this section that the
24 Commission may use in determining whether to exempt a supervisee from the supervision
25 fee assessed under subsection (b) of this section; and

26 (2) explains the process of applying for an exemption from the supervision
27 fee.]

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2024.