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**FROM THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES**

March 6, 2020

Chair Clippinger, Vice-Chair Atterbeary, Members of the House Judiciary Committee  
Room 101  
House Office Building  
Annapolis, Maryland 21401

### **House Bill 1217: Justice Reinvestment Act - Conditions of Release - Technical Revocation Caps**

#### **Position: Support with Amendments**

Dear Chair Clippinger, Vice-Chair Atterbeary, and Committee Members:

The Governor's Office of Crime Prevention, Youth, and Victim Services is providing this letter of support for House Bill 1217: Justice Reinvestment Act - Conditions of Release - Technical Revocation Caps.

House Bill 1217 permits the court or the Parole Commission conducting a revocation hearing to act outside of the technical revocation caps if there is a finding that adhering to the limits on the period of imprisonment would create a risk to the individual who is subject to the revocation hearing. A technical violation is any violation that is not a new criminal offense, a violation of a stay-away or no-contact order, or absconding. Examples of technical violations include failing a required drug test, refusal to participate in required treatment or education programs, and failing to report to a supervising agent.

This legislation includes factors that must be considered in determining whether to adhere to the 15/30/45 day revocation caps. These factors include (1) whether there is a less restrictive alternative to imprisonment that will protect the individual, including treatment in the

community, (2) if the treatment is available, whether the individual is amenable to treatment, and (3) whether a longer period of imprisonment will increase the risk to the individual.

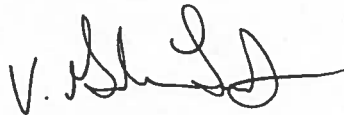
If it is found that adhering to the limits would create a risk to the individual, the court or commission shall find and state on record that the court or commission has considered these factors and a longer period of imprisonment is the best alternative for reducing the risk to the individual.

Justice Reinvestment is housed within the Governor's Office of Crime Prevention, Youth, and Victim Services. The Justice Reinvestment Act from 2016 put an emphasis on treatment rather than punishment for non-violent offenders. House Bill 1217 will ensure that Marylanders with substance use disorders will receive the treatment they need, but will allow a longer period of incarceration for those individuals who are a danger to themselves but for whom treatment is not the best alternative.

**Amendments** - The attached amendments correct a drafting error, substituting "court" for "commission" in provisions relating to probation violations.

For reasons stated above, the Governor's Office of Crime Prevention, Youth, and Victim Services supports with amendments House Bill 1217.

Sincerely,



V. Glenn Fueston, Jr.  
Executive Director  
Governor's Office of Crime Prevention, Youth, and Victim Services

For all inquiries, please contact  
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BY: Governor's Office of Crime Prevention, Youth, and Victim Services  
(To be offered in the House Judiciary Committee)

AMENDMENT TO HOUSE BILL 1217  
(First Reading File Bill)

On page 1, in lines 8 and 11, in each instance, after "commissioner" insert "or court".

On page 8, in lines 17, 30, and 31, on page 10, in line 25, and on page 11, in lines 5 and 6, in each instance, strike "COMMISSIONER" and substitute "COURT".