

# **MD Judiciary - Testimony SB 643.pdf**

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Position: FAV

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 643  
Correctional Services – Division of Parole and Probation –  
Definition of Absconding  
**DATE:** January 29, 2021  
(2/25)  
**POSITION:** Support

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The Maryland Judiciary supports Senate Bill 643. This bill repealed and reenacts, with amendments Section 6-101(b) of the annotated code of Maryland, “absconding” including leaving a treatment facility that an individual was placed in under §8–507 of the Health - General Article for drug or alcohol treatment without the permission of the administrator, as defined in §8–101 of the Health - General Article.

By making clear that absconding includes leaving a treatment facility, this bill provides the court with necessary tools to assist those individuals in particular who are participants in the specialty courts. The Judiciary believes this bill could be expanded even further to include when an individual leaves a treatment facility when placed there via a court mandated order as if participating in a problem-solving court and/or on general probation rather than just those under §8–507 of the Health - General Article.

cc. Hon. Michael Hough  
Judicial Council  
Legislative Committee  
Kelley O’Connor

# **HB425 - SB623 - Ransomware.pdf**

Uploaded by: Niemann, Doyle

Position: FAV



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**To:** Members of The House Judiciary Committee and Senate Judicial Proceedings Committee

**From:** Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

**Date:** February 1, 2021

**Subject:** **HB425 – SB623 – Crimes Involving Computers (Ransomware)**

**Position:** **Support**

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The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports HB425 – SB623 – Crimes Involving Computers (Ransomware)**.

This bill bans the possession of ransomware, which is defined in the bill, with the intent to introduce it into a computer, network or system. It adds health care facility and public school to the list of entities protected and lowers the threshold for classification as a felony.

Ransomware is a growing problem with far-reaching consequences. It has affected multiple entities in Maryland, including major health care facilities, governmental entities, and even the Office of the Public Defender. This is a useful extension of the current law.

The ban on possession of ransomware with intent to use is particularly useful as it will allow law enforcement agencies to act before the harm has been caused.

For the reasons stated, we **Support HB425 – SB623 – Crimes Involving Computers (Ransomware)**.

If you have questions about the position of the Criminal Law and Practice Section's Legislative Committee, please feel free to address them to me at 240-606-1298 or at [doyleniemann@verizon.net](mailto:doyleniemann@verizon.net).

Should you have other questions, please contact The MSBA's Legislative Office at (410)-269-6464 / (410)-685-7878 ext: 3066 or at [Richard@MSBA.org](mailto:Richard@MSBA.org).

**SB 643 - FAV.pdf**

Uploaded by: riley, joseph

Position: FAV



## Maryland State's Attorneys' Association

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Brian DeLeonardo  
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**TO:** Judicial Proceedings Committee

**FROM:** Joseph Riley, State's Attorney Caroline County  
MSAA Legislative Committee Chair

**DATE:** February 25, 2021

**BILL NUMBER:** SB 643

**POSITION:** Support

The Maryland State's Attorney's Association (MSAA) supports SB 643.

Maryland's recent adoption of Justice Reinvestment Act (JRA) had as one of its primary goals, "to reduce selectively Maryland's prison population and use the resultant monetary saving to provide treatment to offenders before, during, and after incarceration." *Conaway v. State*, 464 Md. 505, 523 (2019). In simpler terms the underpinning of the JRA is "a shift in philosophy from the jail bed to the treatment bed."

In the years following the JRA becoming law, we in the Maryland State's Attorney's Association have seen a pattern in incarcerated individuals being placed in treatment facilities pursuant to *Maryland Health General* §8-507 and those individuals "walking off" from the treatment facility. Due to how the sentences are modified the incarcerated individual when they are placed in a facility are under the supervision of the Department of Parole and Probation not the Health Department. *Maryland Health General* § 8-507 (f)(2). In a recent case, the Court of Special Appeals has defined such actions as "technical violations" as defined by the JRA and subject to the sanction limits described in *Maryland Criminal Procedure* §6-223 (d)(2)(i).

This creates a perverse incentive to the incarcerated individual who has been given the option of treatment. They can stay in a placement and continue the hard work of sobriety or they can walk off and be subject to a 15 day maximum penalty, be continued on supervised probation, and not have to return to the treatment facility.

This legislation will change the definition of "Absconding" as defined in *Maryland Correctional Services* § 6-101 (b) to include leaving a *Maryland Health General* § 8-507 placement without the permission of the facility. The definition of absconding has only been in the Maryland Code since 2016 with the passing of the JRA.

For these reasons the MSAA requests a favorable report on SB 643.

# **SB 643 - Definition of Absconding.pdf**

Uploaded by: Shellenberger, Scott

Position: FAV

**Bill Number: SB 643**

**Scott D. Shellenberger, State's Attorney for Baltimore County  
Support**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN SUPPORT OF SENATE BILL 643**  
**CORRECTIONAL SERVICES – DEFINITION OF ABSCONDING**

I write in support of Senate Bill 643 that changes the definition of absconding in Correctional Services § 6-101. Pursuant to the Justice Reinvestment Act passed a few years ago, the legislature changed many rules for those who violated their probation. The purpose of the change was so that those who commit minor or “technical violations” of their probation were not subjected to lengthy jail sentences. Research has shown that short sentences for technical violations were the best way to get probationers’ attention without doing further damage to jobs and other aspects of life. For a 1<sup>st</sup> technical violation of probation, a defendant can receive no more than 15 days in jail.

The statutory scheme defined technical violations as every violation of probation except:

- 1) An arrest or a summons issued by a commissioner on a statement of charges filed by a law enforcement
- 2) A violation of a criminal prohibition other than a minor traffic offense
- 3) A violation of a no-contact or stay-away order; or
- 4) Absconding

The Justice Reinvestment Act also recognized the importance of treatment programs particularly with regards to drug and alcohol treatment. That is why Health General Article § 8-501 was expanded – it was to provide inpatient drug treatment in lieu of jail. Currently, if a person absconds from their inpatient drug treatment program, this is treated as a technical violation of probation. This means limited time in jail which could affect the health and safety of the defendant in question.

If you have a drug problem and a Judge lets you out of jail and into a drug treatment program and you leave, this technical violation can only get you 15 days in jail. This likely will put those with a drug problem back on the street and without the treatment.

Changing the definition of absconding gives the Judge more options which hopefully will include another attempt at inpatient drug treatment.

I request a favorable report.