

Maryland Justice Reinvestment Act of 2016
Senate Bill 1005

Inmate Risk and Needs Assessments to Focus Corrections Programs and Treatments

~~Article – Transportation
Section 27-101(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article – Transportation
Section 27-101(e) and (y)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)~~

~~BY adding to
Article – Transportation
Section 27-101(gg)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)~~

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

Article – Correctional Services

3–601.

(a) **IN THIS SECTION, “RISK AND NEEDS ASSESSMENT” HAS THE MEANING STATED IN § 6–101 OF THIS ARTICLE.**

(B) Promptly after an inmate is sentenced to the jurisdiction of the Division, the Division shall assemble an adequate case record for the inmate that includes:

- (1) a description of the inmate;
- (2) a photograph of the inmate;
- (3) the family history of the inmate;
- (4) any previous record of the inmate;
- (5) a summary of the facts of each case for which the inmate is serving a sentence; [and]

(6) THE RESULTS OF A RISK AND NEEDS ASSESSMENT OF THE INMATE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND

1 **[(6)] (7)** the results of the physical, mental, and educational examination
2 of the inmate required under subsection **[(b)] (C)** of this section.

3 **[(b)] (C)** The Division shall conduct **A RISK AND NEEDS ASSESSMENT AND** a
4 physical, mental, and educational examination of an inmate as soon as feasible after the
5 individual is sentenced to the jurisdiction of the Division.

6 **[(c)] (D) (1)** Based on the information assembled under subsection **[(a)] (B)**
7 of this section, the Division shall classify an inmate and [assign the inmate to any available
8 treatment, training, or employment that the Division considers appropriate] **DEVELOP A**
9 **CASE PLAN TO GUIDE AN INMATE'S REHABILITATION WHILE UNDER THE CUSTODY**
10 **OF THE DIVISION.**

11 **(2) THE CASE PLAN DEVELOPED UNDER THIS SUBSECTION SHALL**
12 **INCLUDE:**

13 **(I) PROGRAMMING AND TREATMENT RECOMMENDATIONS**
14 **BASED ON THE RESULTS OF THE RISK AND NEEDS ASSESSMENT CONDUCTED UNDER**
15 **SUBSECTION (C) OF THIS SECTION; ~~AND~~**

16 **(II) REQUIRED CONDUCT IN ACCORDANCE WITH THE RULES**
17 **AND POLICIES OF THE DIVISION; AND**

18 **(III) A PLAN FOR THE PAYMENT OF RESTITUTION, IF**
19 **RESTITUTION HAS BEEN ORDERED.**

20 **[(d)] (E)** In accordance with regulations adopted by the Division, the managing
21 official of each correctional facility shall maintain, as a part of an inmate's case record:

22 (1) an adequate record of the conduct, effort, and progress of the inmate
23 during confinement; and

24 (2) a record of the character of any offense committed by the inmate and
25 the nature and amount of punishment inflicted.

26 **[(e)] (F)** To identify an inmate, the Division may photograph and fingerprint the
27 inmate and record a description of the inmate's personal background data.

28 3-704.

29 (a) An inmate shall be allowed a deduction in advance from the inmate's term of
30 confinement.

31 (b) (1) The deduction allowed under subsection (a) of this section shall be
32 calculated:

1 (i) from the first day of commitment to the custody of the
2 Commissioner through the last day of the inmate's term of confinement;

3 (ii) except as provided in paragraph (2) of this subsection, at the rate
4 of 10 days for each calendar month; and

5 (iii) on a prorated basis for any portion of a calendar month.

6 (2) If an inmate's term of confinement includes a consecutive or concurrent
7 sentence for a crime of violence as defined in § 14-101 of the Criminal Law Article ~~for~~, ~~A~~
8 ~~SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11,~~
9 ~~SUBTITLE 7 OF THE CRIMINAL LAW ARTICLE, OR~~ a crime of manufacturing,
10 distributing, dispensing, or possessing a controlled dangerous substance in violation of [§§
11 5-602 through 5-609,] § 5-612[,] or § 5-613 of the Criminal Law Article, the deduction
12 described in subsection (a) of this section shall be calculated at the rate of 5 days for each
13 calendar month.

14 (c) A deduction under this section may not be allowed for a period during which
15 an inmate does not receive credit for service of the inmate's term of confinement, including
16 a period:

17 (1) during which the inmate's sentence is stayed;

18 (2) during which the inmate is not in the custody of the Commissioner
19 because of escape; or

20 (3) for which the Maryland Parole Commission has declined to grant credit
21 after revocation of parole or mandatory supervision.

22 3-705.

23 (a) (1) In addition to any other deductions allowed under this subtitle, an
24 inmate may be allowed a deduction of 5 days from the inmate's term of confinement for
25 each calendar month during which the inmate manifests satisfactory performance of
26 assigned work tasks.

27 (2) The deduction described in paragraph (1) of this subsection shall be
28 calculated:

29 (i) from the first day that the work task is performed; and

30 (ii) on a prorated basis for any portion of a calendar month during
31 which the inmate performed the work task.

32 (b) The Commissioner shall adopt regulations governing the determination of
33 deductions authorized under this section.

1 3-706.

2 (a) In addition to any other deductions allowed under this subtitle, an inmate may
3 be allowed a deduction of 5 days from the inmate's term of confinement for each calendar
4 month during which the inmate manifests satisfactory progress in:

5 (1) vocational courses; or

6 (2) other educational and training courses.

7 (b) The deduction described in subsection (a) of this section shall be calculated:

8 (1) from the first day that the inmate participates in the course; and

9 (2) on a prorated basis for any portion of the calendar month during which
10 the inmate participates in the course.

11 3-707.

12 (a) **(1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
13 **SUBSECTION, IN** addition to any other deductions allowed under this subtitle, an inmate
14 may be allowed a deduction of up to **[10] 20** days from the inmate's term of confinement for
15 each calendar month during which the inmate manifests satisfactory progress in those
16 special selected work projects or other special programs, **INCLUDING RECIDIVISM**
17 **REDUCTION PROGRAMMING**, designated by the Commissioner and approved by the
18 Secretary.

19 **(2) IF AN INMATE'S TERM OF CONFINEMENT INCLUDES A**
20 **CONSECUTIVE OR CONCURRENT SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED**
21 **IN § 14-101 OF THE CRIMINAL LAW ARTICLE, OR A SEXUAL OFFENSE FOR WHICH**
22 **REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL ~~LAW~~**
23 **PROCEDURE ARTICLE, THE DEDUCTION DESCRIBED IN PARAGRAPH (1) OF THIS**
24 **SUBSECTION SHALL BE CALCULATED AT THE RATE OF UP TO 10 DAYS FOR EACH**
25 **CALENDAR MONTH.**

26 (b) A deduction described in subsection (a) of this section shall be calculated:

27 (1) from the first day that the inmate is assigned to the work project or
28 program; and

29 (2) on a prorated basis for any portion of the calendar month during which
30 the inmate participates in the work project or program.

31 3-708.