

Definitions Including "Risk Factor," "Risk Needs Assessment (RNA)," and "Technical Violation"

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3 (1) 20 DAYS FOR A CALENDAR MONTH FOR AN INMATE DESCRIBED IN
4 § 3-707(A)(2) OF THIS SUBTITLE; AND

5 (2) 30 days for a calendar month FOR ALL OTHER INMATES.

6 6-101.

7 (a) In this subtitle the following words have the meanings indicated.

8 (b) (1) "ABSCONDING" MEANS DISPLAYING AFFIRMATIVE BEHAVIOR
9 WITH THE INTENT TO EVADE SUPERVISION.

10 (2) "ABSCONDING" DOES NOT INCLUDE MISSING A SINGLE
11 APPOINTMENT WITH A SUPERVISING AUTHORITY.

12 (C) "Commission" means the Maryland Parole Commission.

13 ~~(D)~~ (D) "Crime of violence" has the meaning stated in § 14-101 of the Criminal
14 Law Article.

15 ~~(E)~~ (E) "CRIMINAL RISK FACTORS" MEANS AN INDIVIDUAL'S
16 CHARACTERISTICS AND BEHAVIORS THAT:

17 (1) AFFECT THE INDIVIDUAL'S RISK OF ENGAGING IN CRIMINAL
18 BEHAVIOR; AND

19 (2) ARE DIMINISHED WHEN ADDRESSED BY EFFECTIVE TREATMENT,
20 SUPERVISION, AND OTHER SUPPORT SERVICES, RESULTING IN A REDUCED RISK OF
21 CRIMINAL BEHAVIOR.

22 [(d)] ~~(E)~~ (F) "Director" means the Director of the Division or the Director's designee.

23 [(e)] ~~(F)~~ (G) "Division" means the Division of Parole and Probation.

24 [(f)] ~~(G)~~ (H) "Mandatory supervision" has the meaning stated in § 7-101 of this
25 article.

26 [(g)] ~~(H)~~ (I) "Offender" means an individual on parole or under mandatory
27 supervision.

28 [(h)] ~~(I)~~ (J) "Parolee" means an individual who has been released on parole.

1 [(i)] ~~(J)~~ **(K)** “Program” means a home detention program established under § 6–108
2 of this subtitle.

3 ~~(K)~~ **(L)** “**RISK AND NEEDS ASSESSMENT**” MEANS AN ACTUARIAL TOOL
4 **VALIDATED ON THE STATE’S CORRECTIONAL POPULATION THAT DETERMINES:**

5 (1) AN INDIVIDUAL’S RISK OF REOFFENDING; AND

6 (2) THE CRIMINAL RISK FACTORS THAT, WHEN ADDRESSED, REDUCE
7 THE INDIVIDUAL’S RISK OF REOFFENDING.

8 ~~(L)~~ **(M)** “**TECHNICAL VIOLATION**” MEANS A VIOLATION OF A CONDITION
9 OF PROBATION, PAROLE, OR MANDATORY SUPERVISION THAT DOES NOT INVOLVE:

10 (1) AN ARREST OR A SUMMONS ISSUED BY A COMMISSIONER ON A
11 STATEMENT OF CHARGES FILED BY A LAW ENFORCEMENT OFFICER;

12 (2) A CONVICTION; ~~OR~~

13 (3) A VIOLATION OF A NO–CONTACT OR STAY–AWAY ORDER; OR

14 (4) ABSCONDING.

15 6–104.

16 (a) Subject to the authority of the Secretary and in addition to any other duties
17 established by law, the Division:

18 (1) shall:

19 (I) ADMINISTER A ~~RISK AND NEEDS ASSESSMENT~~ VALIDATED
20 SCREENING TOOL ON EACH INDIVIDUAL ON PAROLE OR MANDATORY SUPERVISION
21 UNDER THE SUPERVISION OF THE DIVISION;

22 (II) ADMINISTER A RISK AND NEEDS ASSESSMENT AND
23 DEVELOP AN INDIVIDUALIZED CASE PLAN FOR EACH INDIVIDUAL ON PAROLE OR
24 MANDATORY SUPERVISION WHO HAS BEEN ASSESSED SCREENED AS MODERATE OR
25 HIGH RISK TO REOFFEND;

26 [(i)] (III) supervise [the conduct of parolees] AN INDIVIDUAL ON
27 PAROLE OR MANDATORY SUPERVISION BASED ON THE RESULTS OF A VALIDATED
28 SCREENING TOOL OR RISK AND NEEDS ASSESSMENT CONDUCTED UNDER ~~THEM~~
29 ITEMS (I) OR (II) OF THIS ITEM;

1 [(ii)] (IV) supervise an individual under mandatory supervision
2 until the expiration of the individual's maximum term or terms of confinement;

3 (V) NOTWITHSTANDING ANY OTHER LAW, MODIFY THE
4 CONDITIONS OF PAROLE AND MANDATORY SUPERVISION FOR THE PURPOSE OF
5 IMPOSING GRADUATED SANCTIONS UNDER § 6-121 OF THIS SUBTITLE IN RESPONSE
6 TO TECHNICAL VIOLATIONS AS AN ALTERNATIVE TO REVOCATION UNDER § 7-401
7 OR § 7-504 OF THIS ARTICLE;

8 [(iii)] (VI) regularly inform the Commission of the activities of
9 offenders who are supervised by the Division, INCLUDING, IF REQUESTED BY THE
10 COMMISSION, ANY GRADUATED SANCTIONS IMPOSED UNDER § 6-121 OF THIS
11 SUBTITLE;

12 [(iv)] (VII) issue a warrant for the retaking of an offender charged
13 with a violation of a condition of parole or mandatory supervision, if this authority is
14 delegated by the Commission to the Director of the Division; and

15 [(v)] (VIII) administer the Drinking Driver Monitor Program, collect
16 supervision fees, and adopt guidelines for collecting the monthly program fee assessed in
17 accordance with § 6-115 of this subtitle; and

18 (2) may recommend:

19 (i) that the Commission modify any condition of parole or
20 mandatory supervision; and

21 (ii) that the Commission issue a warrant for the retaking of an
22 offender.

23 (b) Funding for the Drinking Driver Monitor Program shall be as provided in the
24 State budget.

25 6-111.

26 If a court suspends the sentence of an individual convicted of a crime and orders the
27 individual to continue under the supervision of the Division for a specified time or until
28 ordered otherwise, the Division shall:

29 (1) [supervise the conduct of] ADMINISTER A RISK AND NEEDS
30 ASSESSMENT ON the individual;

31 (2) [determine whether the individual is complying with the conditions of
32 probation or suspension of sentence] SUPERVISE THE INDIVIDUAL BASED ON THE