

Maryland Justice Reinvestment Act of 2016
Senate Bill 1005
All Offenders Screened for "Risk Level"; Use of RNA

~~VALIDATED ON THE STATE'S COMMISSIONER OF CORRECTIONS THAT DETERMINES.~~

(1) AN INDIVIDUAL'S RISK OF REOFFENDING; AND

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

~~(L)~~ (M) "TECHNICAL VIOLATION" MEANS A VIOLATION OF A CONDITION OF PROBATION, PAROLE, OR MANDATORY SUPERVISION THAT DOES NOT INVOLVE:

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

(2) A CONVICTION; ~~OR~~

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

(4) ABSCONDING.

6-104.

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

(1) shall:

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

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

~~(i)~~ (iii) supervise [the conduct of parolees] AN INDIVIDUAL ON PAROLE OR MANDATORY SUPERVISION BASED ON THE RESULTS OF A VALIDATED SCREENING TOOL OR RISK AND NEEDS ASSESSMENT CONDUCTED UNDER ~~ITEM~~ 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

1 RESULTS OF THE RISK AND NEEDS ASSESSMENT CONDUCTED UNDER ITEM (1) OF
2 THIS SECTION; [and]

3 (3) DEVELOP AN INDIVIDUALIZED CASE PLAN FOR EACH INDIVIDUAL
4 ASSESSED AS MODERATE OR HIGH RISK TO REOFFEND;

5 (4) NOTWITHSTANDING ANY OTHER LAW, ~~MODIFY THE CONDITIONS~~
6 ~~OF PROBATION OR SUSPENSION OF SENTENCE FOR THE PURPOSE OF IMPOSING~~
7 IMPOSE GRADUATED SANCTIONS UNDER § 6-121 OF THIS SUBTITLE IN RESPONSE TO
8 TECHNICAL VIOLATIONS AS AN ALTERNATIVE TO REVOCATION UNDER § 6-223 OR §
9 6-224 OF THE CRIMINAL PROCEDURE ARTICLE; ~~AND~~

10 [(3)] (5) PROVIDE PROMPT NOTICE TO THE COURT OF ANY
11 TECHNICAL VIOLATIONS COMMITTED AND GRADUATED SANCTIONS IMPOSED
12 UNDER § 6-121 OF THIS SUBTITLE; AND

13 (6) report to the court on the individual's compliance ~~AND, IF REQUESTED~~
14 ~~BY THE COURT, ANY GRADUATED SANCTIONS IMPOSED UNDER § 6-121 OF THIS~~
15 ~~SUBTITLE.~~

16 6-117.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) "Abatement" means an end to active supervision of a supervised
19 individual, without effect on the legal expiration date of the case or the supervised
20 individual's obligation to:

21 (i) obey all laws; AND

22 (ii) [report as instructed; and

23 (iii)] obtain written permission from the Division of Parole and
24 Probation before relocating the supervised individual's residence outside the State.

25 (3) "Earned compliance credit" means a 20-day reduction from the period
26 of active supervision of the supervised individual for every month that a supervised
27 individual:

28 (i) exhibits [full compliance] ~~PROGRESS COMPLIANCE~~ with the
29 conditions[,] AND goals[, and treatment as part] of the supervised individual's probation,
30 parole, or mandatory release supervision, as determined by the Department;

31 (ii) has no new arrests;