

Maryland Justice Reinvestment Act of 2016  
Senate Bill 1005

Individuals May Earn Early “Abatement” of Supervision by “Compliance Credits.”

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

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

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

6-117.

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

(2) “Abatement” means an end to active supervision of a supervised individual, without effect on the legal expiration date of the case or the supervised individual’s obligation to:

(i) obey all laws; ~~AND~~

(ii) [report as instructed; and

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

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

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

(ii) has no new arrests;

1 (iii) has not violated any conditions of no contact imposed on the  
2 supervised individual;

3 (iv) is current on court ordered payments for restitution, fines, and  
4 fees relating to the offense for which earned compliance credits are being accrued; and

5 (v) is current in completing any community supervision  
6 requirements included in the conditions of the supervised individual's probation, parole, or  
7 mandatory release supervision.

8 (4) (i) "Supervised individual" means an individual placed on probation  
9 by a court or serving a period of parole or mandatory release supervision after release from  
10 a correctional facility.

11 (ii) "Supervised individual" does not include:

12 1. a person incarcerated, on probation, or convicted in this  
13 State for a crime of violence;

14 2. a person incarcerated, on probation, or convicted in this  
15 State for a crime under Title 3, Subtitle 3 of the Criminal Law Article;

16 3. a person incarcerated, on probation, or convicted in this  
17 State for a violation of § 2-503, [~~§ § 5-602 through 5-606, OR § 5-617~~ **5-612 THROUGH**  
18 **5-614**], § 5-627, or § 5-628] of the Criminal Law Article;

19 4. a person registered or eligible for registration under Title  
20 11, Subtitle 7 of the Criminal Procedure Article;

21 5. a person who was convicted in any other jurisdiction of a  
22 crime and the person's supervision was transferred to this State; or

23 6. a person who was convicted in this State of a crime and  
24 the person's supervision was transferred to another state.

25 (b) The Department shall:

26 (1) establish a program to implement earned compliance credits; and

27 (2) adopt policies and procedures to implement the program.

28 (c) **(1)** Notwithstanding any other law, the Maryland Parole Commission or  
29 the court [may] **SHALL** adjust the period of a supervised individual's supervision on the  
30 recommendation of the Division of Parole and Probation for earned compliance credits  
31 accrued under a program created under this section.

1           **(2) ONCE A COMBINATION OF ~~TIME SERVED IN CUSTODY, IF~~**  
 2 **~~APPLICABLE,~~ TIME SERVED ON PROBATION, PAROLE, OR MANDATORY SUPERVISION,**  
 3 **AND EARNED COMPLIANCE CREDITS SATISFY THE SUPERVISED INDIVIDUAL'S**  
 4 **ACTIVE TERM OF SUPERVISION, THE DIVISION SHALL ~~TRANSFER THE INDIVIDUAL~~**  
 5 **~~TO PLACE THE INDIVIDUAL ON ABATEMENT.~~**

6           **(D) THE DIVISION SHALL:**

7           **(1) PROVIDE REGULAR NOTIFICATION TO A SUPERVISED INDIVIDUAL**  
 8 **OF THE TENTATIVE ABATEMENT TRANSFER DATE; AND**

9           **(2) DEVELOP POLICIES FOR NOTIFYING A SUPERVISED INDIVIDUAL**  
 10 **OF CHANGE TO THE ABATEMENT TRANSFER DATE.**

11           **(E) AT LEAST 90 DAYS BEFORE THE DATE OF TRANSFER TO ABATEMENT,**  
 12 **THE DIVISION SHALL NOTIFY THE COMMISSION OR THE COURT OF THE IMPENDING**  
 13 **TRANSFER.**

14           **[(d)] (F)** A supervised individual whose period of active supervision has been  
 15 completely reduced as a result of earned compliance credits shall remain on abatement  
 16 until the expiration of the supervised individual's sentence, unless:

17           (1) the supervised individual consents to continued active supervision; or

18           (2) the supervised individual violates a condition of probation, parole, or  
 19 mandatory release supervision including failure to pay a required payment of restitution.

20           **(G) A SUPERVISED INDIVIDUAL WHO IS PLACED ON ABATEMENT UNDER**  
 21 **THIS SECTION MAY NOT BE REQUIRED TO:**

22           **(1) REGULARLY REPORT TO A PAROLE OR PROBATION AGENT; OR**

23           **(2) PAY A SUPERVISION FEE.**

24           **[(e)] (H)** If a supervised individual violates a condition of probation while on  
 25 abatement, a court may order the supervised individual to be returned to active  
 26 supervision.

27           **[(f)] (I)** (1) Twenty-five percent of the savings realized by the Department  
 28 as a result of the application of earned compliance credits shall revert to the Department.

29           (2) After the savings revert to the Department in accordance with  
 30 paragraph (1) of this subsection, any remaining savings shall revert to the General Fund.

1           **[(g)] (J)**       This section may not be construed to limit the authority of a court or  
2 the Parole Commission to extend probation, parole, or mandatory release supervision under  
3 § 6–222 of the Criminal Procedure Article.

4           **(K) THE DEPARTMENT SHALL DEVELOP AN AUTOMATED APPLICATION FOR**  
5 **THE TRACKING AND AWARDED OF EARNED COMPLIANCE CREDITS BY THE**  
6 **DIVISION.**

7 **6–119.**

8           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
9 **INDICATED.**

10           **(2) “EVIDENCE–BASED PROGRAMS AND PRACTICES” MEANS**  
11 **PROGRAMS PROVEN BY SCIENTIFIC RESEARCH TO RELIABLY PRODUCE REDUCTIONS**  
12 **IN RECIDIVISM.**

13           **(3) “INNOVATIVE PROGRAMS AND PRACTICES” MEANS PROGRAMS**  
14 **THAT DO NOT MEET THE STANDARD OF EVIDENCE–BASED PRACTICES BUT WHICH**  
15 **PRELIMINARY RESEARCH OR DATA INDICATES WILL REDUCE THE LIKELIHOOD OF**  
16 **OFFENDER RECIDIVISM.**

17           **(B) THE DIVISION SHALL USE PRACTICABLE AND SUITABLE METHODS THAT**  
18 **ARE CONSISTENT WITH EVIDENCE–BASED PROGRAMS AND PRACTICES AND**  
19 **INNOVATIVE PROGRAMS AND PRACTICES TO AID AND ENCOURAGE A PROBATIONER**  
20 **OR PAROLEE TO IMPROVE CONDUCT AND TO REDUCE THE RISK OF RECIDIVISM.**

21           **(C) THE DIVISION SHALL HAVE AN INDEPENDENT VALIDATION STUDY**  
22 **CONDUCTED EVERY 3 YEARS ON THE RISK AND NEEDS ASSESSMENT TOOL.**

23 **6–120.**

24           **THE ~~DIVISION~~ DEPARTMENT SHALL REQUIRE ALL PAROLE AND PROBATION**  
25 **AGENTS AND SUPERVISORS, COMMISSION MEMBERS, AND HEARING OFFICERS TO**  
26 **UNDERGO ANNUAL TRAINING BASED ON THE MOST CURRENT RESEARCH,**  
27 **REGARDING:**

28           **(1) IDENTIFYING, UNDERSTANDING, AND TARGETING AN**  
29 **INDIVIDUAL’S CRIMINAL RISK FACTORS;**

30           **(2) PRINCIPLES OF EFFECTIVE RISK INTERVENTIONS; AND**

31           **(3) SUPPORTING AND ENCOURAGING COMPLIANCE AND BEHAVIOR**  
32 **CHANGE.**