

SENATE BILL 587

E4

2lr1826

By: **Senators McCray, Washington, Hayes, Ferguson, Sydnor, and Watson**

Introduced and read first time: February 2, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Division of Parole and Probation – Duties – Offenders Under Supervision**
3 **(Parole and Probation Performance Act)**

4 FOR the purpose of altering the duties of the Division of Parole and Probation to include
5 the examination and review of murders involving offenders under the supervision of
6 the Division for a certain purpose; and generally relating to the duties of the Division
7 of Parole and Probation.

8 BY repealing and reenacting, with amendments,
9 Article – Correctional Services
10 Section 6–104(a)
11 Annotated Code of Maryland
12 (2017 Replacement Volume and 2021 Supplement)

13 BY adding to
14 Article – Correctional Services
15 Section 6–122
16 Annotated Code of Maryland
17 (2017 Replacement Volume and 2021 Supplement)

18 Preamble

19 WHEREAS, The State of Maryland has been facing an ongoing crisis in which the
20 Department of Public Safety and Correctional Services' Division of Parole and Probation
21 plays a pivotal role; and

22 WHEREAS, There is an alarming correlation between homicides in Maryland and
23 supervised offenders as a vast number of murder and nonfatal shooting victims are
24 individuals under the purview of the Division of Parole and Probation; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



WHEREAS, In Maryland, from 2019 to 2021, the State has encountered a consistent average of 118.7 murders of persons who are under the supervision of the Division of Parole and Probation. In the same time period there has been an average of 255.3 nonfatal shootings of supervisees; and

WHEREAS, There has been an increase in violent crime across the State of Maryland of supervised individuals involved in a homicide or nonfatal shooting; and

WHEREAS, Year to year, the State faces the same number of supervised, noncompliant offenders who kill or are killed. In 2021, over half (56.1%) of homicide suspects were found to be noncompliant with their parole or probation. Many of those offenders (35%) were found to have already–pending supervision violations; and

WHEREAS, To combat this issue and its resulting ramifications, it is imperative that measurable objectives be set and a specific course of action be taken to meet and achieve those goals; and

WHEREAS, In order to reduce the number of supervised individuals involved in homicides and increase compliance of offenders, the State must satisfy its requisites for proper supervision; and

WHEREAS, The lack of supervision is directly related to the lack of supervisors who oversee, manage, contact, frequently follow up, and provide supports to offenders. As of November 2021, the Community Supervision Division has 129 agent and monitor vacancies that need to be filled urgently; and

WHEREAS, To prevent the reprise of homicides and nonfatal shootings involving Division of Parole and Probation supervisees, it is crucial that the State devise a vigorous approach to address its lack thereof; now, therefore,

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

Article – Correctional Services

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 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 screened as moderate or high risk to reoffend;

(iii) supervise an individual on parole or mandatory supervision based on the results of a validated screening tool or risk and needs assessment conducted under items (i) or (ii) of this item;

(iv) supervise an individual under mandatory supervision until the expiration of the individual's maximum term or terms of confinement;

(v) regularly inform the Commission of the activities of offenders who are supervised by the Division, including, if requested by the Commission, any graduated sanctions imposed under § 6–121 of this subtitle;

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

(vii) administer the Drinking Driver Monitor Program, collect supervision fees, and adopt guidelines for collecting the monthly program fee assessed in accordance with § 6–115 of this subtitle; and

(VIII) EXAMINE AND REVIEW MURDERS INVOLVING OFFENDERS WHO ARE SUPERVISED BY THE DIVISION FOR THE PURPOSE OF ADVISING THE SECRETARY ON POLICIES AND PROGRAMS TO PREVENT SUCH MURDERS, INCLUDING:

1. MURDER COMMITTED BY AN OFFENDER UNDER THE SUPERVISION OF THE DIVISION, IF THE OFFENDER IS CONVICTED; AND

2. THE MURDER OF AN OFFENDER UNDER THE SUPERVISION OF THE DIVISION; AND

(2) may recommend:

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

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

6–122.

ON OR BEFORE DECEMBER 31, 2022, AND EACH DECEMBER 31 THEREAFTER, THE DIVISION SHALL REPORT, IN ACCORDANCE WITH § 2–1257 OF THE STATE

1 GOVERNMENT ARTICLE, TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE
2 AND THE HOUSE JUDICIARY COMMITTEE ON:

3 (1) THE ACTIVITIES OF THE DIVISION INTENDED TO REDUCE THE
4 NUMBER OF MURDERS INVOLVING OFFENDERS WHO ARE SUPERVISED BY THE
5 DIVISION;

6 (2) ACTIONS TAKEN BY THE DIVISION UNDER § 6-104(A)(1)(VIII) OF
7 THIS SUBTITLE, INCLUDING RECOMMENDATIONS ON POLICY AND PROGRAMS MADE
8 TO THE SECRETARY; AND

9 (3) THE NUMBER OF OFFENDERS SUPERVISED BY THE DIVISION THAT
10 WERE SHOOTING VICTIMS, HOMICIDE VICTIMS, OR CHARGED WITH OR IDENTIFIED
11 AS SUSPECTS IN A HOMICIDE, NONFATAL SHOOTING, ROBBERY, RAPE,
12 POLICE-INVOLVED SHOOTING, OR ANY CRIME INVOLVING THE OFFENDER'S USE OF
13 A FIREARM.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2022.