

ANY
DER

T
§ Individuals May Earn Early “Abatement” of Supervision by “Compliance Credits” – CS Art., §6-117

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] 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;

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

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

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

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

(ii) “Supervised individual” does not include:

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

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

5 3. a person incarcerated, on probation, or convicted in this
 6 State for a violation of § 2-503, [§] §§ [5-602 through § 5-617] **5-612 THROUGH 5-614**, §
 7 5-627, or § 5-628 of the Criminal Law Article;

8 4. a person registered or eligible for registration under Title
 9 11, Subtitle 7 of the Criminal Procedure Article;

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

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

14 (b) The Department shall:

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

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

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

21 (2) ONCE A COMBINATION OF TIME SERVED ON PROBATION, PAROLE,
 22 OR MANDATORY SUPERVISION, AND EARNED COMPLIANCE CREDITS SATISFY THE
 23 SUPERVISED INDIVIDUAL'S ACTIVE TERM OF SUPERVISION, THE DIVISION SHALL
 24 PLACE THE INDIVIDUAL ON ABATEMENT.

25 (D) THE DIVISION SHALL:

26 (1) PROVIDE REGULAR NOTIFICATION TO A SUPERVISED INDIVIDUAL
 27 OF THE TENTATIVE ABATEMENT TRANSFER DATE; AND

28 (2) DEVELOP POLICIES FOR NOTIFYING A SUPERVISED INDIVIDUAL OF
 29 CHANGE TO THE ABATEMENT TRANSFER DATE.

1 (E) AT LEAST 90 DAYS BEFORE THE DATE OF TRANSFER TO ABATEMENT, THE
2 DIVISION SHALL NOTIFY THE COMMISSION OR THE COURT OF THE IMPENDING
3 TRANSFER.

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

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

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

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

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

13 (2) PAY A SUPERVISION FEE.

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

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

18 (2) After the savings revert to the Department in accordance with paragraph
19 (1) of this subsection, any remaining savings shall revert to the [General Fund]
20 PERFORMANCE INCENTIVE GRANT FUND ESTABLISHED UNDER § 9-3209 OF THE
21 STATE GOVERNMENT ARTICLE.

22 [(g)] (J) This section may not be construed to limit the authority of a court or the
23 Parole Commission to extend probation, parole, or mandatory release supervision under §
24 6-222 of the Criminal Procedure Article.

25 (K) THE DEPARTMENT SHALL DEVELOP AN AUTOMATED APPLICATION FOR
26 THE TRACKING AND AWARDED OF EARNED COMPLIANCE CREDITS BY THE DIVISION.
27 6-119.

28 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.