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HOUSE/SENATE BILL _____

2015 Regular Session

By:

Introduced and read first time:

Assigned to:

A BILL ENTITLED

AN ACT concerning

SCREENING FOR PUBLIC SAFETY AND MORE EFFECTIVE CORRECTIONS

FOR the purpose of

Providing for courts and corrections officials use of uniform, evidence-based offender risk screening to avoid unnecessary detention and taxpayer expense; providing use of further uniform, evidence-based risk / needs screening at sentencing or no later than admission to incarceration as to inmates with guidelines recommendations for 6 months or more incarceration; providing that individually appropriate services to reduce re-offending shall be provided during incarceration, reentry, and alternate sentences.

BY amending

Article – Correctional Services
Sections
Annotated Code of Maryland
(Replacement Volume)

SECTION 1. Whereas research and practice over 25 years identify new strategies and policies that can significantly reduce offender recidivism rates. Implementing these research-backed programs and procedures is called "evidence-based practice." This Act requires that a to-be-determined percent of offenders be supervised in accordance with evidence-based practices within four years, as well as that a to-be-determined percent of state funds for offender programming be spent on programs that are evidence-based within four years. This Act also requires that community corrections facilities to improve policies and practices for crime victims, to provide employees training on evidence-based practices, and to set aside a portion of funds for research on program effectiveness.

SECTION 2. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Correctional Services

Subtitle 1A – Evidence-based corrections practices

§ 8A-101. DEFINITIONS

1) "EVIDENCE-BASED PRACTICES" MEANS SUPERVISION POLICIES, PROCEDURES, PROGRAMS AND PRACTICES THAT SCIENTIFIC RESEARCH DEMONSTRATES REDUCE RECIDIVISM AMONG INDIVIDUALS ON PROBATION, PAROLE, OR POST-RELEASE SUPERVISION.

2) "COMMUNITY SUPERVISION" MEANS:

(A) THE PLACEMENT OF A DEFENDANT UNDER SUPERVISION, WITH CONDITIONS IMPOSED BY A COURT FOR A SPECIFIED PERIOD DURING WHICH:

(I) CRIMINAL PROCEEDINGS ARE DEFERRED WITHOUT AN ADJUDICATION OF GUILT;
(II) A SENTENCE OF IMPRISONMENT OR CONFINEMENT, IMPRISONMENT AND FINE, OR CONFINEMENT AND FINE, IS PROBATED AND THE IMPOSITION OF SENTENCE IS SUSPENDED IN WHOLE OR IN PART; OR

(B) THE PLACEMENT OF AN INDIVIDUAL UNDER SUPERVISION AFTER PAROLE OR OTHER RELEASE FROM PRISON OR JAIL, WITH CONDITIONS IMPOSED BY THE RELEASING AUTHORITY FOR A SPECIFIED PERIOD.

- 3) "SUPERVISED INDIVIDUAL" MEANS AN INDIVIDUAL PLACED ON PROBATION OR OTHER COMMUNITY SUPERVISION BY A COURT OR SERVING A PERIOD OF PAROLE OR POST-RELEASE SUPERVISION FROM PRISON OR JAIL.
- 4) "SUPERVISION OFFICER" MEANS A PERSON APPOINTED OR EMPLOYED TO SUPERVISE INDIVIDUALS PLACED ON COMMUNITY SUPERVISION.
- 5) "CRIMINAL RISK FACTORS" MEANS CHARACTERISTICS AND BEHAVIORS THAT WHEN ADDRESSED OR CHANGED AFFECT A PERSON'S RISK FOR COMMITTING CRIMES. SCIENTIFIC RESEARCH IDENTIFIES THESE CHARACTERISTICS AND BEHAVIORS-- WITH APPROPRIATE CALIBRATION OF SUCH ASSESSMENTS TO AVOID RACIAL DISCRIMINATION -- INCLUDING: ANTISOCIAL ATTITUDES, VALUES, AND BELIEFS; POOR IMPULSE CONTROL; CRIMINAL PERSONALITY; SUBSTANCE ABUSE; CRIMINAL PEERS; DYSFUNCTIONAL FAMILY; AND LACK OF EMPLOYMENT OR EDUCATION.
- 6) "CASE PLAN" MEANS AN INDIVIDUALIZED ACCOUNTABILITY AND BEHAVIOR CHANGE STRATEGY FOR SUPERVISED INDIVIDUALS THAT:
 - (A) TARGETS AND PRIORITIZES THE SPECIFIC CRIMINAL RISK FACTORS OF THE OFFENDER;
 - (B) MATCHES PROGRAMS TO THE OFFENDER'S INDIVIDUAL CHARACTERISTICS, SUCH AS GENDER, CULTURE, MOTIVATIONAL STAGE, DEVELOPMENTAL STAGE, AND LEARNING STYLE;
 - (C) ESTABLISHES A TIMETABLE FOR ACHIEVING SPECIFIC BEHAVIORAL GOALS, INCLUDING A SCHEDULE FOR PAYMENT OF VICTIM RESTITUTION, CHILD SUPPORT, AND OTHER FINANCIAL OBLIGATIONS;
 - (D) SPECIFIES POSITIVE AND NEGATIVE ACTIONS THAT WILL BE TAKEN IN RESPONSE TO THE SUPERVISED INDIVIDUAL'S BEHAVIORS.
- 7) (A) "PROGRAM" MEANS AN INTERVENTION THAT:
 - (I) IS INTENDED TO REDUCE RECIDIVISM BY SUPERVISED INDIVIDUALS; AND
 - (II) IS FUNDED IN WHOLE OR IN PART BY THE STATE OR ADMINISTERED BY ANY AGENCY OF STATE GOVERNMENT;(B) "PROGRAM" DOES NOT INCLUDE MEDICAL SERVICES.

SEC. 8A-102. IMPLEMENTATION OF EVIDENCE-BASED PRACTICES TO REDUCE RECIDIVISM.

- (1) THE DEPARTMENT SHALL ADOPT POLICIES, RULES AND REGULATIONS THAT WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT RESULT IN AT LEAST 25 PER CENT OF SUPERVISED INDIVIDUALS BEING SUPERVISED IN ACCORDANCE WITH EVIDENCE-BASED PRACTICES AND IN 100 PERCENT BEING SO SUPERVISED WITHIN FOUR YEARS.
- (2) THE POLICIES, RULES AND REGULATIONS SHALL INCLUDE:
 - (A) ADOPTION, VALIDATION AND UTILIZATION OF AN OBJECTIVE RISK AND NEEDS ASSESSMENT TOOL INCLUDING THE GOALS OF OBTAINING A TOOL WHICH ALSO MAY BE UTILIZED IN PART FOR PRETRIAL SCREENING, SENTENCING AND RISK ASSESSMENT, AND WHICH MAY BE CALIBRATED APPROPRIATELY TO AVOID RACIAL DISCRIMINATION;

(B) USE OF ASSESSMENT SCORES AND OTHER OBJECTIVE CRITERIA TO DETERMINE THE RISK LEVEL AND PROGRAM NEEDS OF EACH SUPERVISED INDIVIDUAL, PRIORITIZING SUPERVISION AND PROGRAM RESOURCES FOR OFFENDERS WHO ARE AT HIGHER RISK TO RE-OFFEND;

(C) DEFINITIONS OF LOW, MODERATE AND HIGH RISK LEVELS DURING THE PERIOD OF SUPERVISION, AS WELL AS OTHER INTERMEDIARY LEVELS IN THE DEPARTMENT'S DISCRETION;

(D) DEVELOPMENT OF A CASE PLAN, BASED ON THE ASSESSMENT, FOR EACH INDIVIDUAL WHO IS ASSESSED TO BETWEEN MODERATE AND HIGH RISK;

(E) SWIFT, CERTAIN, PROPORTIONATE AND GRADUATED RESPONSES THAT AN AGENCY EMPLOYEE WILL APPLY IN RESPONSE TO A SUPERVISED INDIVIDUAL'S COMPLIANT AND NON-COMPLIANT BEHAVIORS;

(F) CASELOAD SIZE GUIDELINES THAT ARE BASED ON OFFENDER RISK LEVELS AND TAKE INTO ACCOUNT AGENCY RESOURCES AND EMPLOYEE WORKLOAD; AND

(G) ESTABLISHMENT OF PROTOCOLS AND STANDARDS THAT ASSESS THE DEGREE TO WHICH AGENCY POLICIES, PROCEDURES, PROGRAMS AND PRACTICES RELATING TO OFFENDER RECIDIVISM REDUCTION ARE EVIDENCE BASED.

(3) WITHIN FOUR YEARS OF THE EFFECTIVE DATE OF THIS ACT, [X PERCENT] OF STATE MONIES EXPENDED ON PROGRAMS SHALL BE FOR PROGRAMS THAT ARE IN ACCORDANCE WITH EVIDENCE-BASED PRACTICES.

(4) WITHIN FOUR YEARS OF THE EFFECTIVE DATE OF THIS ACT, THE DEPARTMENT SHALL ELIMINATE SUPERVISION POLICIES, PROCEDURES, PROGRAMS AND PRACTICES INTENDED TO REDUCE RECIDIVISM THAT SCIENTIFIC RESEARCH DEMONSTRATES DO NOT REDUCE RECIDIVISM TO THE EXTENT THAT RELIABLE RESEARCH IS AVAILABLE FOR SUCH PROGRAMS.

SEC. 8A-103. IMPROVEMENT OF POLICIES AND PRACTICES FOR CRIME VICTIMS.

(1) THE DEPARTMENT SHALL ADOPT POLICIES, RULES AND REGULATIONS TO IMPROVE CRIME VICTIM SATISFACTION WITH THE CRIMINAL JUSTICE SYSTEM, INCLUDING:

- a) PAYMENT BY SUPERVISED INDIVIDUALS OF VICTIM RESTITUTION AND CHILD SUPPORT;
- b) PROVIDING VICTIMS INFORMATION ABOUT THEIR RIGHTS AND SERVICES, AND REFERRALS TO ACCESS THOSE RIGHTS AND SERVICES;
- c) OFFERING VICTIMS THE OPPORTUNITY TO COMPLETE A "VICTIM SATISFACTION SURVEY," WITH DATA USED TO MEASURE AGENCY PERFORMANCE; AND
- d) FACILITATE VICTIM-OFFENDER DIALOGUE WHEN THE VICTIM IS WILLING.

SEC. 8A-104. PROFESSIONAL DEVELOPMENT

(1) THE DEPARTMENT SHALL PROVIDE ITS EMPLOYEES WITH INTENSIVE INITIAL AND ON-GOING TRAINING AND PROFESSIONAL DEVELOPMENT SERVICES TO SUPPORT THE IMPLEMENTATION OF EVIDENCE-BASED PRACTICES

(2) THE TRAINING AND PROFESSIONAL DEVELOPMENT SERVICES SHALL INCLUDE ASSESSMENT TECHNIQUES, CASE PLANNING, RISK REDUCTION AND INTERVENTION STRATEGIES, EFFECTIVE COMMUNICATION SKILLS, SUBSTANCE ABUSE AND OTHER TOPICS IDENTIFIED BY THE DEPARTMENT OR ITS EMPLOYEES.

SEC. 8A-105. DATA COLLECTION, ANALYSIS AND RESEARCH.

(1) THE DEPARTMENT SHALL ALLOCATE A MINIMUM OF [X] PERCENT OF ITS OPERATING BUDGET

TO SUPPORT DATA COLLECTION, ANALYSIS AND RESEARCH ON SUPERVISION AND PROGRAMMATIC EFFECTIVENESS.

(2) THE DEPARTMENT MAY FORM PARTNERSHIPS OR ENTER INTO CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION OR OTHER QUALIFIED ORGANIZATIONS FOR ASSISTANCE WITH DATA COLLECTION, ANALYSIS AND RESEARCH.

SEC. 8A-106. ANNUAL REPORT.

(1) BY DECEMBER 1 OF EACH YEAR, BEGINNING IN 201X, THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR, THE LEGISLATURE AND THE JUDICIAL BRANCH A COMPREHENSIVE REPORT ON ITS EFFORTS TO IMPLEMENT THIS ACT. THE REPORT SHALL INCLUDE:

- (A) THE PERCENTAGE OF SUPERVISED INDIVIDUALS BEING SUPERVISED IN ACCORDANCE WITH EVIDENCE-BASED PRACTICES;
- (B) THE PERCENTAGE OF STATE MONIES EXPENDED FOR PROGRAMS THAT ARE EVIDENCE BASED, AND A LIST OF ALL PROGRAMS WITH IDENTIFICATION OF WHICH ARE EVIDENCE BASED;
- (C) SPECIFICATION OF SUPERVISION POLICIES, PROCEDURES, PROGRAMS AND PRACTICES THAT WERE ELIMINATED;
- (D) THE RESULTS OF VICTIM SATISFACTION SURVEYS ADMINISTERED UNDER SECTION 4 OF THIS TITLE;
- (E) THE DEPARTMENT'S RECOMMENDATIONS FOR RESOURCE ALLOCATION, AND ANY ADDITIONAL COLLABORATION WITH OTHER STATE, REGIONAL OR LOCAL PUBLIC AGENCIES, PRIVATE ENTITIES, OR FAITH-BASED AND COMMUNITY ORGANIZATIONS.

(2) THE DEPARTMENT SHALL MAKE THE FULL REPORT AND AN EXECUTIVE SUMMARY AVAILABLE TO THE GENERAL PUBLIC ON ITS WEBSITE.

SECTION 3 . AND BE IT FURTHER ENACTED, That this Act shall take effect on July 1, 2015.

Last Revision: 11/12/14