

All Offenders Screened for "Risk Level"; Use of Risk Needs Assessment – CS Art., §6-104 & 6-111

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OF

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

(2) A VIOLATION OF A CRIMINAL PROHIBITION OTHER THAN A MINOR TRAFFIC OFFENSE;

(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 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;

[(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 ITEMS (I) OR (II) OF THIS ITEM;

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

[(iii)] (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;

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

4 [(v)] (VII) administer the Drinking Driver Monitor Program, collect
 5 supervision fees, and adopt guidelines for collecting the monthly program fee assessed in
 6 accordance with § 6-115 of this subtitle; and

7 (2) may recommend:

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

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

12 (b) Funding for the Drinking Driver Monitor Program shall be as provided in the
 13 State budget.

14 6-111.

15 If a court suspends the sentence of an individual convicted of a crime and orders the
 16 individual to continue under the supervision of the Division for a specified time or until
 17 ordered otherwise, the Division shall:

18 (1) [supervise the conduct of] ADMINISTER A VALIDATED SCREENING
 19 TOOL ON the individual;

20 (2) [determine whether the individual is complying with the conditions of
 21 probation or suspension of sentence; and] ADMINISTER A RISK AND NEEDS ASSESSMENT
 22 AND DEVELOP AN INDIVIDUALIZED CASE PLAN FOR EACH INDIVIDUAL WHO HAS BEEN
 23 SCREENED AS MODERATE OR HIGH RISK TO REOFFEND;

24 (3) SUPERVISE AN INDIVIDUAL BASED ON THE PROBATION ORDER
 25 AND, TO THE EXTENT NOT INCONSISTENT WITH THAT ORDER, ON THE RESULTS OF A
 26 VALIDATED SCREENING TOOL OR RISK AND NEEDS ASSESSMENT CONDUCTED UNDER
 27 ITEMS (1) OR (2) OF THIS SECTION;

28 (4) NOTWITHSTANDING ANY OTHER LAW, IMPOSE GRADUATED
 29 SANCTIONS UNDER § 6-121 OF THIS SUBTITLE IN RESPONSE TO TECHNICAL
 30 VIOLATIONS AS AN ALTERNATIVE TO SEEKING REVOCATION UNDER §
 31 6-223 OR § 6-224 OF THE CRIMINAL PROCEDURE ARTICLE;

1 [(3)] (5) PROVIDE PROMPT NOTICE TO THE COURT OF ANY
2 TECHNICAL VIOLATIONS COMMITTED AND GRADUATED SANCTIONS IMPOSED UNDER
3 § 6-121 OF THIS SUBTITLE; AND

4 (6) report to the court on the individual's compliance.

5 6-117.

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

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

10 (i) obey all laws; AND

11 (ii) [report as instructed; and

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

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

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

20 (ii) has no new arrests;

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

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

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

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

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