

1 State Government (SG) Article – §9–3201 and following sections *ph do not apply*
 2 to the fo establish Justice Reinvestment Oversight Board (JROB),
 3 Membership and Duties

4 *Business* Owned Small

5 ~~86. the Performance Incentive Grant Fund, AND~~

6 **87. THE ADDICTION TREATMENT DIVESTITURE FUND.**

7 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 8 as follows:

9 **Article – State Finance and Procurement**

10 6–226.

11 (a) (2) (i) Notwithstanding any other provision of law, and unless
 12 inconsistent with a federal law, grant agreement, or other federal requirement or with the
 13 terms of a gift or settlement agreement, net interest on all State money allocated by the State
 14 Treasurer under this section to special funds or accounts, and otherwise entitled to receive
 15 interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of
 16 the State.

17 (ii) The provisions of subparagraph (i) of this paragraph do not apply
 18 to the following funds:

19 84. the Economic Development Marketing Fund; [and]

20 85. the Military Personnel and Veteran–Owned Small
 21 Business No–Interest Loan Fund; AND

22 **86. THE PERFORMANCE INCENTIVE GRANT FUND.**

23 **Article – State Government**

24 **SUBTITLE 32. JUSTICE REINVESTMENT OVERSIGHT BOARD.**

25 **9–3201.**

26 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
 27 **INDICATED.**

28 **(B) “BOARD” MEANS THE JUSTICE REINVESTMENT OVERSIGHT BOARD.**

29 **(C) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE**
 30 **GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.**

1 (D) "FUND" MEANS THE PERFORMANCE INCENTIVE GRANT FUND
2 ESTABLISHED IN § 9-3209 OF THIS SUBTITLE.

3 9-3202.

4 THERE IS A JUSTICE REINVESTMENT OVERSIGHT BOARD IN THE
5 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

6 9-3203.

7 (A) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

8 (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE
9 PRESIDENT OF THE SENATE;

10 (2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE
11 SPEAKER OF THE HOUSE;

12 (3) THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S
13 DESIGNEE;

14 (4) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL
15 SERVICES, OR THE SECRETARY'S DESIGNEE;

16 (5) THE CHAIR OF THE MARYLAND PAROLE COMMISSION, OR THE
17 CHAIR'S DESIGNEE;

18 (6) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S
19 DESIGNEE;

20 (7) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S
21 DESIGNEE;

22 (8) THE PUBLIC DEFENDER, OR THE PUBLIC DEFENDER'S DESIGNEE;

23 (9) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE
24 SECRETARY'S DESIGNEE;

25 (10) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE
26 SECRETARY'S DESIGNEE;

27 (11) THE CHAIR OF THE LOCAL GOVERNMENT JUSTICE
28 REINVESTMENT COMMISSION, OR THE CHAIR'S DESIGNEE;

1 (12) TWO MEMBERS APPOINTED BY THE CHIEF JUDGE OF THE COURT
2 OF APPEALS;

3 (13) THE SECRETARY OF LABOR, LICENSING, AND REGULATION, OR
4 THE SECRETARY'S DESIGNEE;

5 (14) ONE MEMBER APPOINTED BY THE MARYLAND CHIEFS AND
6 SHERIFFS ASSOCIATION;

7 (15) THE PRESIDENT OF THE MARYLAND STATE'S ATTORNEYS'
8 ASSOCIATION OR THE PRESIDENT'S DESIGNEE;

9 (16) TWO MEMBERS OF THE MARYLAND CORRECTIONAL
10 ADMINISTRATORS ASSOCIATION, APPOINTED BY THE PRESIDENT OF THE
11 MARYLAND CORRECTIONAL ADMINISTRATORS ASSOCIATION, INCLUDING ONE
12 REPRESENTATIVE FROM A LARGE CORRECTIONAL FACILITY AND ONE
13 REPRESENTATIVE FROM A SMALL CORRECTIONAL FACILITY;

14 (17) THE PRESIDENT OF THE MARYLAND ASSOCIATION OF COUNTIES
15 OR THE PRESIDENT'S DESIGNEE; AND

16 (18) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE GOVERNOR:

17 (I) ONE MEMBER REPRESENTING VICTIMS OF CRIME;

18 (II) ONE MEMBER REPRESENTING LAW ENFORCEMENT;

19 (III) TWO LOCAL HEALTH OFFICERS; AND

20 (IV) ONE MEMBER WITH DIRECT EXPERIENCE TEACHING
21 INMATES IN ACADEMIC PROGRAMS INTENDED TO ACHIEVE THE GOAL OF A HIGH
22 SCHOOL DIPLOMA OR GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATION.

23 (B) TO THE EXTENT PRACTICABLE, IN MAKING APPOINTMENTS UNDER THIS
24 SECTION, THE GOVERNOR SHALL ENSURE GEOGRAPHIC DIVERSITY AMONG THE
25 MEMBERSHIP OF THE BOARD.

26 (C) (1) THE TERM OF AN APPOINTED MEMBER OF THE BOARD IS 4 YEARS.

27 (2) THE TERMS OF THE APPOINTED MEMBERS OF THE BOARD ARE
28 STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD
29 ON OCTOBER 1, 2016.

1 **(3) AT THE END OF A TERM, AN APPOINTED MEMBER:**

2 **(I) IS ELIGIBLE FOR REAPPOINTMENT; AND**

3 **(II) CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED**
4 **AND QUALIFIES.**

5 **(4) A MEMBER WHO IS APPOINTED OR REAPPOINTED AFTER A TERM**
6 **HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A**
7 **SUCCESSOR IS APPOINTED AND QUALIFIES.**

8 **(5) THE MEMBERS OF THE BOARD APPOINTED FROM THE SENATE OF**
9 **MARYLAND, THE HOUSE OF DELEGATES, AND THE CHIEF JUDGE OF THE COURT OF**
10 **APPEALS, SHALL SERVE IN AN ADVISORY CAPACITY ONLY.**

11 **9-3204.**

12 **(A) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.**

13 **(B) WITH THE APPROVAL OF THE BOARD, THE CHAIR MAY APPOINT A VICE**
14 **CHAIR WHO SHALL HAVE THE DUTIES ASSIGNED BY THE CHAIR.**

15 **9-3205.**

16 **(A) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A**
17 **QUORUM.**

18 **(B) THE BOARD SHALL MEET AT LEAST QUARTERLY EACH YEAR AT THE**
19 **TIMES AND PLACES DETERMINED BY THE BOARD OR THE CHAIR OF THE BOARD.**

20 **(C) A MEMBER OF THE BOARD:**

21 **(1) MAY NOT RECEIVE COMPENSATION FOR SERVICE ON THE BOARD;**
22 **BUT**

23 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
24 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

25 **9-3206.**

26 **THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL**
27 **PROVIDE STAFF FOR THE BOARD.**

28 **9-3207.**

1 **(A) THE BOARD SHALL:**

2 **(1) MONITOR PROGRESS AND COMPLIANCE WITH THE**
3 **IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT**
4 **COORDINATING COUNCIL;**

5 **(2) CONSIDER THE RECOMMENDATIONS OF THE LOCAL GOVERNMENT**
6 **JUSTICE REINVESTMENT COMMISSION AND ANY LEGISLATION, REGULATIONS,**
7 **RULES, BUDGETARY CHANGES, OR OTHER ACTIONS TAKEN TO IMPLEMENT THE**
8 **RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;**

9 **(3) MAKE ADDITIONAL LEGISLATIVE AND BUDGETARY**
10 **RECOMMENDATIONS FOR FUTURE DATA-DRIVEN, FISCALLY SOUND CRIMINAL**
11 **JUSTICE POLICY CHANGES;**

12 **(4) COLLECT AND ANALYZE THE DATA SUBMITTED UNDER § 9-3208 OF**
13 **THIS SUBTITLE REGARDING PRETRIAL DETAINEES;**

14 **(5) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY**
15 **AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE**
16 **ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE**
17 **COMMISSION ON CRIMINAL SENTENCING POLICY, CREATE PERFORMANCE**
18 **MEASURES TO TRACK AND ASSESS THE OUTCOMES OF THE LAWS RELATED TO THE**
19 **RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;**

20 **(6) IN COLLABORATION WITH THE MARYLAND PAROLE COMMISSION,**
21 **MONITOR ADMINISTRATIVE RELEASE UNDER § 7-301.1 OF THE CORRECTIONAL**
22 **SERVICES ARTICLE AND DETERMINE WHETHER TO ADJUST ELIGIBILITY**
23 **CONSIDERING THE EFFECTIVENESS OF ADMINISTRATIVE RELEASE AND**
24 **EVIDENCE-BASED PRACTICES;**

25 **(7) CREATE PERFORMANCE MEASURES TO ASSESS THE**
26 **EFFECTIVENESS OF THE GRANTS ADMINISTERED UNDER § 9-3209 OF THIS**
27 **SUBTITLE; AND**

28 **(8) CONSULT AND COORDINATE WITH:**

29 **(I) THE LOCAL GOVERNMENT JUSTICE REINVESTMENT**
30 **COMMISSION; AND**

31 **(II) OTHER UNITS OF THE STATE AND LOCAL JURISDICTIONS**
32 **CONCERNING JUSTICE REINVESTMENT ISSUES.**

1 (B) (1) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY
2 AND CORRECTIONAL SERVICES, THE BOARD SHALL DETERMINE THE ANNUAL
3 SAVINGS FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE
4 REINVESTMENT COORDINATING COUNCIL BASED ON THE DIFFERENCE BETWEEN
5 THE PRISON POPULATION AS MEASURED ON OCTOBER 1, 2017, THE BASELINE DAY,
6 AND THE PRISON POPULATION AS MEASURED ON OCTOBER 1, 2018, THE
7 COMPARISON DAY, AND THE VARIABLE COST OF INCARCERATION.

8 (2) IF THE PRISON POPULATION ON THE COMPARISON DAY IS LESS
9 THAN THE PRISON POPULATION ON THE BASELINE DAY, THE BOARD SHALL
10 DETERMINE A SAVINGS BASED ON THE DIFFERENCE IN THE PRISON POPULATION
11 MULTIPLIED BY THE VARIABLE COST.

12 (3) THE BOARD ANNUALLY SHALL DETERMINE THE DIFFERENCE
13 BETWEEN THE PRISON POPULATION ON OCTOBER 1, 2017, AND THE PRISON
14 POPULATION ON OCTOBER 1 OF THE CURRENT YEAR AND CALCULATE ANY SAVINGS
15 IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

16 (4) IF A PRISON POPULATION DECLINE CAUSES A CORRECTIONAL
17 UNIT, WING, OR FACILITY TO CLOSE, THE BOARD SHALL CONDUCT AN ASSESSMENT
18 TO DETERMINE THE SAVINGS FROM THE CLOSURE AND DISTRIBUTE THE SAVINGS,
19 REALIZED ANNUALLY, ACCORDING TO THE SCHEDULE IN PARAGRAPH (5) OF THIS
20 SUBSECTION.

21 (5) THE BOARD ANNUALLY SHALL RECOMMEND THAT THE SAVINGS
22 IDENTIFIED IN PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION BE
23 DISTRIBUTED AS FOLLOWS:

24 (I) UP TO 50% OF THE SAVINGS SHALL BE PLACED IN THE
25 PERFORMANCE INCENTIVE GRANT FUND FOR PURPOSES ESTABLISHED UNDER §
26 9-3209(B)(1) OF THIS SUBTITLE; AND

27 (II) THE REMAINING SAVINGS SHALL BE USED FOR ADDITIONAL
28 SERVICES IDENTIFIED AS REINVESTMENT PRIORITIES IN THE JUSTICE
29 REINVESTMENT COORDINATING COUNCIL'S FINAL REPORT.

30 (C) AT EACH MEETING OF THE BOARD, THE SECRETARY OF THE
31 DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE,
32 SHALL REPORT TO THE BOARD:

33 (1) THE NUMBER OF INDIVIDUALS COMMITTED TO THE DEPARTMENT
34 OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE
35 HEALTH - GENERAL ARTICLE IN THE PREVIOUS 3 MONTHS INCLUDING THE NUMBER

1 OF DAYS THAT IT TOOK TO PLACE EACH INDIVIDUAL INTO TREATMENT AND WHERE
2 THE INDIVIDUAL WAS PLACED FOR TREATMENT;

3 (2) THE NUMBER OF INDIVIDUALS COMMITTED TO THE DEPARTMENT
4 OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE
5 HEALTH – GENERAL ARTICLE WHO ARE WAITING FOR TREATMENT BUT CANNOT BE
6 PLACED DUE TO LACK OF CAPACITY; AND

7 (3) THE NUMBER OF INDIVIDUALS ASSESSED FOR SUBSTANCE USE
8 DISORDER IN THE PREVIOUS 3 MONTHS UNDER § 5-601 OF THE CRIMINAL LAW
9 ARTICLE AND WHETHER EACH INDIVIDUAL WAS PLACED INTO TREATMENT AS A
10 RESULT OF THE ASSESSMENT.

11 (D) (1) THE BOARD MAY ENTER INTO AN AGREEMENT WITH AN ACADEMIC
12 INSTITUTION OR ANOTHER SIMILAR ENTITY THAT IS QUALIFIED TO COLLECT AND
13 INTERPRET DATA IN ORDER TO ASSIST THE BOARD WITH ITS DUTIES.

14 (2) (I) THE BOARD MAY RECOMMEND THAT A UNIT OF THE STATE
15 ENTER INTO A CONTRACT OR AGREEMENT WITH A PUBLIC OR PRIVATE ENTITY TO
16 OBTAIN ASSISTANCE OR FINANCIAL RESOURCES TO FUND AND OTHERWISE FURTHER
17 THE PURPOSES OF THIS SUBTITLE, INCLUDING ENTERING INTO PUBLIC-PRIVATE
18 PARTNERSHIPS, SOCIAL IMPACT BONDS, AND OPPORTUNITY COMPACTS.

19 (II) IF THE BOARD MAKES A RECOMMENDATION UNDER
20 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BOARD SHALL PROVIDE WRITTEN
21 NOTICE TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE, THE HOUSE
22 JUDICIARY COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS
23 COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
24 ARTICLE, OF THE RECOMMENDATION.

25 (III) A UNIT OF THE STATE MAY NOT ENTER INTO A CONTRACT
26 OR AN AGREEMENT RECOMMENDED BY THE BOARD UNDER SUBPARAGRAPH (I) OF
27 THIS PARAGRAPH UNTIL 60 DAYS AFTER THE DATE OF THE NOTICE PROVIDED IN
28 SUBPARAGRAPH (II) OF THIS PARAGRAPH.

29 (E) (1) THE BOARD SHALL ESTABLISH AN ADVISORY BOARD FOR THE
30 PURPOSE OF INCLUDING STAKEHOLDERS IN THE CRIMINAL JUSTICE SYSTEM IN THE
31 ANALYSIS OF THE IMPLEMENTATION OF JUSTICE REINVESTMENT INITIATIVES.

32 (2) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF
33 CRIME CONTROL AND PREVENTION SHALL APPOINT MEMBERS OF THE ADVISORY
34 BOARD, SUBJECT TO THE APPROVAL OF THE CHAIR OF THE BOARD.

35 (3) MEMBERS OF THE ADVISORY BOARD SHALL INCLUDE:

1 (I) A REPRESENTATIVE OF THE EXCLUSIVE REPRESENTATIVE
2 OF THE EMPLOYEES OF THE DIVISION OF PAROLE AND PROBATION;

3 (II) A REPRESENTATIVE OF THE NATIONAL ASSOCIATION FOR
4 THE ADVANCEMENT OF COLORED PEOPLE;

5 (III) A REPRESENTATIVE OF CASA DE MARYLAND;

6 (IV) A REPRESENTATIVE OF THE AMERICAN CIVIL LIBERTIES
7 UNION;

8 (V) THE CHAIR OF THE CRIMINAL LAW AND PRACTICE SECTION
9 OF THE MARYLAND STATE BAR ASSOCIATION OR THE CHAIR'S DESIGNEE;

10 (VI) A REPRESENTATIVE OF VICTIMS OF DOMESTIC VIOLENCE;

11 (VII) A REPRESENTATIVE OF VICTIMS OF SEXUAL ASSAULT;

12 (VIII) A REPRESENTATIVE WITH CLINICAL EXPERIENCE AND
13 EXPERTISE IN BEHAVIORAL HEALTH AND CRIMINAL JUSTICE;

14 (IX) A REPRESENTATIVE OF THE MARYLAND RETAILERS
15 ASSOCIATION;

16 (X) A REPRESENTATIVE OF AN ORGANIZATION WHOSE MISSION
17 IS TO DEVELOP AND ADVOCATE FOR POLICIES AND PROGRAMS TO INCREASE THE
18 SKILLS, JOB OPPORTUNITIES, AND INCOMES OF LOW-SKILL, LOW-INCOME WORKERS
19 AND JOB SEEKERS;

20 (XI) A REPRESENTATIVE OF AN ORGANIZATION WHOSE MISSION
21 IS TO ADVOCATE FOR EX-OFFENDERS; AND

22 (XII) A REPRESENTATIVE OF THE MARYLAND CHAMBER OF
23 COMMERCE.

24 9-3208.

25 (A) SEMIANNUALLY, EACH COUNTY, THE DEPARTMENT OF PUBLIC SAFETY
26 AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE
27 ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE
28 COMMISSION ON CRIMINAL SENTENCING POLICY SHALL COLLECT AND REPORT
29 DATA TO THE BOARD THAT IS DISAGGREGATED BY RACE AND ETHNICITY IN ORDER

1 FOR THE BOARD TO PERFORM ITS DUTIES UNDER § 9-3207 OF THIS SUBTITLE,
2 INCLUDING DATA RELATING TO:

3 (1) THE ADMISSION OF INMATES TO STATE AND LOCAL
4 CORRECTIONAL FACILITIES;

5 (2) THE LENGTH OF INMATE SENTENCES;

6 (3) THE LENGTH OF TIME BEING SERVED BY INMATES, INCLUDING
7 SUSPENDED PERIODS OF A CRIMINAL SENTENCE;

8 (4) RECIDIVISM;

9 (5) THE POPULATION OF COMMUNITY SUPERVISION;

10 (6) INFORMATION ABOUT THE INMATE POPULATION, INCLUDING THE
11 AMOUNT OF RESTITUTION ORDERED AND THE AMOUNT PAID; AND

12 (7) DEPARTURES BY THE COURT AND THE COMMISSION FROM THE
13 SENTENCING LIMITS FOR TECHNICAL VIOLATIONS UNDER §§ 6-223 AND 6-224 OF
14 THE CRIMINAL PROCEDURE ARTICLE AND §§ 7-401 AND 7-504 OF THE
15 CORRECTIONAL SERVICES ARTICLE.

16 (B) ON OR BEFORE MARCH 31 EACH YEAR, EACH COUNTY, AND THE
17 DIVISION OF PRETRIAL DETENTION AND SERVICES SHALL REPORT TO THE BOARD
18 THE FOLLOWING INFORMATION FOR THE PRIOR CALENDAR YEAR REGARDING
19 INDIVIDUALS HELD IN PRETRIAL DETENTION:

20 (1) THE NUMBER OF INDIVIDUALS DETAINED PRETRIAL ON THE SAME
21 DAY EACH YEAR;

22 (2) THE MEAN AND MEDIAN DAYS INDIVIDUALS WERE DETAINED IN
23 PRETRIAL DETENTION;

24 (3) THE CHARGES UNDER WHICH INDIVIDUALS WERE DETAINED IN
25 PRETRIAL DETENTION;

26 (4) THE REASONS WHY INDIVIDUALS WERE UNABLE TO SECURE
27 RELEASE;

28 (5) THE NUMBER OF INDIVIDUALS WHO WERE RELEASED DURING THE
29 PRETRIAL PERIOD; AND

30 (6) THE DISPOSITION OF EACH CASE.