

HOUSE BILL 1463

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By: **Delegates Feldmark, Bridges, D.M. Davis, Ebersole, Henson, Hill, Mosby, Ruth, Terrasa, and Valentino-Smith**

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Inmates – Intake and Release Requirements**
3 **(Reentry Success Act of 2020)**

4 FOR the purpose of requiring the Division of Correction to facilitate the acquisition of and
5 maintain on file certain government documents for an inmate; requiring the Division
6 of Correction to provide screening for and access to certain mediation for an inmate;
7 requiring the Division of Correction at certain times to work with an inmate to
8 ensure that an inmate has access to certain documents, medication, social service
9 programs, and mass transit at the time of the inmate's release; requiring the
10 Commissioner of Correction to adopt certain regulations; repealing a certain
11 requirement that the Commissioner of Correction adopt certain regulations;
12 repealing a certain requirement that the Commissioner of Correction issue a certain
13 identification card to an inmate on release from a correctional facility; requiring the
14 Motor Vehicle Administration to issue an identification card, that meets certain
15 requirements, to an inmate on release from a correctional facility; requiring the
16 Administration, in consultation with the Commissioner of Correction, to adopt
17 certain regulations; providing that a license held by an inmate in a correctional
18 facility remains in full force and effect during the inmate's term of confinement;
19 requiring the Administration to renew an inmate's license on release from a
20 correctional facility under certain circumstances; defining certain terms; and
21 generally relating to inmates.

22 BY repealing and reenacting, without amendments,
23 Article – Correctional Services
24 Section 1–101(a), (d), and (i) and 3–101
25 Annotated Code of Maryland
26 (2017 Replacement Volume and 2019 Supplement)

27 BY adding to
28 Article – Correctional Services

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 3–610
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 9–609
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY repealing
Article – Correctional Services
Section 9–609.1
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY adding to
Article – Transportation
Section 12–301.1
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–115
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)

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

Article – Correctional Services

1–101.

(a) In this article the following words have the meanings indicated.

(d) “Correctional facility” means a facility that is operated for the purpose of
detaining or confining adults who are charged with or found guilty of a crime.

(i) “Inmate” means an individual who is actually or constructively detained or
confined in a correctional facility.

3–101.

(a) In this title the following words have the meanings indicated.

(b) "Commissioner" means the Commissioner of Correction.

(c) "Division" means the Division of Correction.

3-610.

(A) (1) ON THE INITIAL INTAKE OF AN INMATE, THE DIVISION SHALL ACQUIRE THE SOCIAL SECURITY CARD AND BIRTH CERTIFICATE OF THE INMATE TO BE KEPT ON FILE DURING THE INCARCERATION OF THE INMATE AND DISTRIBUTED TO THE INMATE ON RELEASE FROM CONFINEMENT.

(2) IF THE INMATE OR A FAMILY MEMBER OF THE INMATE DOES NOT HAVE ACCESS TO OR CANNOT PROVIDE THE INMATE'S SOCIAL SECURITY CARD OR BIRTH CERTIFICATE, THE DIVISION SHALL PROVIDE THE INMATE WITH THE FORMS, FEES, AND ANY POSTAGE NECESSARY TO PROCURE THE DOCUMENTS.

(B) (1) FOR AN INMATE SENTENCED TO INCARCERATION AT A STATE CORRECTIONAL FACILITY FOR GREATER THAN 1 YEAR, 1 YEAR BEFORE THE ANTICIPATED RELEASE OF THE INMATE, THE DIVISION SHALL PROVIDE SCREENING FOR AND ACCESS TO PRIVATE MEDIATION BETWEEN THE INMATE AND AN INDIVIDUAL IDENTIFIED BY THE INMATE AS ESSENTIAL FOR THE SUCCESSFUL REENTRY OF THE INMATE INTO SOCIETY.

(2) MEDIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE FACILITATED BY A MEDIATOR WHO IS COMPLIANT WITH THE MARYLAND STANDARDS OF CONDUCT FOR MEDIATORS OR WHO IS A MEMBER OF THE MARYLAND PROGRAM FOR MEDIATOR EXCELLENCE.

(3) DIVISION STAFF MAY VISUALLY OBSERVE MEDIATION CONDUCTED IN COMPLIANCE WITH THIS SUBSECTION, BUT MAY NOT BE PRESENT IN THE ROOM OR AURALLY MONITOR THE MEDIATION.

(C) THE DIVISION SHALL, 6 MONTHS BEFORE THE ANTICIPATED RELEASE FROM CONFINEMENT OF AN INMATE, PROVIDE THE APPROPRIATE FORMS TO AND WORK WITH AN INMATE TO ENSURE THAT THE FOLLOWING ARE AVAILABLE TO THE INMATE AT THE TIME OF RELEASE FROM CONFINEMENT:

(1) A PHOTO IDENTIFICATION CARD ISSUED BY THE MOTOR VEHICLE ADMINISTRATION UNDER § 12-301.1 OF THE TRANSPORTATION ARTICLE OR A DRIVER'S LICENSE;

(2) FOOD SUPPLEMENT PROGRAM BENEFITS IF THE INMATE WILL QUALIFY FOR THE BENEFITS; AND

(3) ANY MEDICAL ASSISTANCE BENEFITS FOR WHICH THE INMATE WILL QUALIFY.

(D) AT THE TIME OF RELEASE, THE DIVISION SHALL PROVIDE THE INMATE WITH:

(1) THE INMATE'S BIRTH CERTIFICATE AND SOCIAL SECURITY CARD IF KEPT ON FILE IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION;

(2) MTA TRANSIT PASSES ADEQUATE FOR 90 DAYS OF TRAVEL; AND

(3) A 1-MONTH SUPPLY OF ANY MEDICATION PRESCRIBED TO THE INMATE.

(E) THE COMMISSIONER SHALL ADOPT REGULATIONS TO CARRY OUT THE REQUIREMENTS OF THIS SECTION.

9-609.

(a) Whenever a date of release from confinement in a State correctional facility is a Saturday, Sunday, or legal holiday, the inmate shall be released on the first preceding day that is not a Saturday, Sunday, or legal holiday.

(b) The Commissioner of Correction shall adopt regulations[:

(1)] establishing a release plan for inmates upon release from confinement in a State correctional facility to help identify resources to assist inmates following release, including the provision of transportation from the facility for an inmate upon release[; and

(2) implementing the provisions of § 9-609.1 of this subtitle concerning issuance of an identification card to inmates on release from confinement in a State correctional facility].

[9-609.1.

(a) The Commissioner of Correction shall issue an identification card to an inmate before release from confinement in a State correctional facility.

(b) The identification card issued under subsection (a) of this section shall meet the requirements for secondary identification for the purpose of an identification card issued by the Motor Vehicle Administration under § 12-301 of the Transportation Article.]

Article – Transportation

12-301.1.

1 **(A) IN THIS SECTION, “CORRECTIONAL FACILITY” AND “INMATE” HAVE THE**
2 **MEANINGS STATED IN § 1–101 OF THE CORRECTIONAL SERVICES ARTICLE.**

3 **(B) THE ADMINISTRATION SHALL ISSUE AN IDENTIFICATION CARD TO AN**
4 **INMATE BEFORE RELEASE FROM CONFINEMENT IN A CORRECTIONAL FACILITY.**

5 **(C) THE IDENTIFICATION CARD ISSUED UNDER SUBSECTION (B) OF THIS**
6 **SECTION SHALL MEET THE REQUIREMENTS FOR SECONDARY IDENTIFICATION FOR**
7 **THE PURPOSE OF AN IDENTIFICATION CARD ISSUED BY THE ADMINISTRATION**
8 **UNDER § 12–301 OF THIS SUBTITLE.**

9 **(D) THE ADMINISTRATION, IN CONSULTATION WITH THE COMMISSIONER**
10 **OF CORRECTION, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.**

11 16–115.

12 (a) (1) Subject to paragraph (5) of this subsection, a license issued under this
13 title to a driver at least 21 years old shall expire on the birth date of the licensee at the end
14 of a period of not more than 8 years determined in regulations adopted by the
15 Administration following the issuance of the license.

16 (2) Subject to paragraph (5) of this subsection, a license issued under this
17 title to a driver under the age of 21 years shall expire not later than 60 days after the
18 driver’s 21st birthday.

19 (3) A license is renewable on the presentation of an application, the
20 payment of the renewal fee required by § 16–111.1 of this subtitle, and satisfactory
21 completion of the examination required or authorized by subsection [(i)] **(J)** of this section:

22 (i) Within 6 months before its expiration; or

23 (ii) When a driver qualifies for a corrected license issued under §
24 16–114.1(c) of this subtitle.

25 (4) Except as provided in subsection [(f)] **(G)** of this section, the
26 Administration may not renew an individual’s license for more than one consecutive term
27 without requiring the individual to appear in person at an office of the Administration.

28 (5) (i) If an applicant has temporary lawful status, the Administration
29 may not issue to the applicant a license to drive for a period that extends beyond the
30 expiration date of the applicant’s authorized stay in the United States or, if there is no
31 expiration date, for a period longer than 1 year.

32 (ii) Nothing contained in this paragraph may be construed to allow
33 the issuance of a temporary license to drive for a period longer than the period described in

1 this subsection.

2 (iii) The Administration shall indicate on the face and in the
3 machine-readable zone of a temporary license to drive that the license is a temporary
4 license to drive.

5 (6) A holder of a temporary license to drive who had temporary lawful
6 status at the time of the issuance of the temporary license to drive shall present satisfactory
7 documentary evidence of lawful status if the holder applies for issuance or renewal of any
8 license to drive under this subtitle.

9 (b) At least 60 days before a license expires, the Administration shall mail to each
10 licensee, at the last address of the licensee shown in the records of the Administration,
11 notice of the date on which the license will expire.

12 (c) The Administration may renew a license within 1 year after the expiration
13 date without requiring a driving test.

14 (d) (1) A license held by a member of the armed forces of the United States
15 who is absent from this State on active service in the armed forces of the United States, or
16 a dependent of the member who is residing with the member outside the State, shall remain
17 in full force and effect during such absence.

18 (2) The license also shall remain in effect, if it would otherwise have
19 expired under this section, for a period of 30 days following the date of the licensee's return
20 to this State, or the member's discharge or separation from active service:

21 (i) If the licensee has in the licensee's immediate possession,
22 together with the licensee's driver's license, papers indicating the member's active service
23 outside this State or the member's discharge or separation; and

24 (ii) If the license is not otherwise suspended, revoked, or canceled
25 under this title during the 30-day period.

26 (e) (1) A license held by an individual who is a member of the Foreign Service
27 of the United States and is absent from the State due to employment in the Foreign Service,
28 or a license held by the spouse or a dependent of the individual who is residing with the
29 individual outside the State, shall remain in full force and effect during the absence.

30 (2) A license held by an individual described in paragraph (1) of this
31 subsection shall also remain in effect, if it would otherwise have expired under this section,
32 for a period of 30 days following the date of the individual's return to the State, or the
33 individual's separation from employment in the Foreign Service of the United States if:

34 (i) The individual has in the individual's immediate possession,
35 together with the individual's driver's license, documentation acceptable to the
36 Administration indicating that:

1 1. The individual is a member of the Foreign Service of the
2 United States, or the spouse or a dependent of a member of the Foreign Service of the
3 United States and resides outside the State; or

4 2. The individual was formerly a member of the Foreign
5 Service of the United States, or the spouse or a dependent of a former member of the
6 Foreign Service, and has returned to the State on separation of the member from
7 employment with the Foreign Service; and

8 (ii) The license is not otherwise suspended, revoked, or canceled
9 under this title during the 30-day period.

10 **(F) (1) IN THIS SUBSECTION, “CORRECTIONAL FACILITY” AND “INMATE”**
11 **HAVE THE MEANINGS STATED IN § 1-101 OF THE CORRECTIONAL SERVICES**
12 **ARTICLE.**

13 **(2) A LICENSE HELD BY AN INMATE CONFINED AT A CORRECTIONAL**
14 **FACILITY SHALL REMAIN IN FULL FORCE AND EFFECT DURING THE INMATE’S TERM**
15 **OF CONFINEMENT.**

16 **(3) THE ADMINISTRATION SHALL RENEW AN INMATE’S LICENSE**
17 **BEFORE THE INMATE’S RELEASE FROM CONFINEMENT IN A CORRECTIONAL**
18 **FACILITY IF THE LICENSE:**

19 **(I) WOULD HAVE EXPIRED UNDER THIS SECTION DURING THE**
20 **INMATE’S TERM OF CONFINEMENT IF NOT FOR THE PROVISIONS OF PARAGRAPH (2)**
21 **OF THIS SUBSECTION; AND**

22 **(II) IS NOT SUSPENDED, REVOKED, OR CANCELED UNDER THIS**
23 **TITLE.**

24 **[(f)] (G)** If a licensee is absent from this State for cause, other than as provided
25 in subsection (d) of this section, and is unable to renew the licensee’s license in the manner
26 required by this section, the licensee may renew by mail to the Administration. The renewal
27 application shall be accompanied by the prescribed fee and a statement giving the reason
28 for and the expected length of the absence. On receipt of the application, the Administration
29 may issue a regular license which bears a photo or a notation that it is valid without a photo
30 until 15 days after the licensee first returns to this State.

31 **[(g)] (H)** An individual may not drive a motor vehicle on any highway in this
32 State if the license issued to him under this title has expired.

33 **[(h)] (I)** An individual may not attempt to drive a motor vehicle on any highway
34 in this State if the license issued to the individual under this title has expired.

1 **[(i)] (J)** (1) Except as provided in paragraphs (2) and (3) of this subsection,
2 the Administration shall require every individual applying for renewal of a driver's license
3 to pass a vision test as prescribed by the Administration.

4 (2) (i) The Administration shall accept a certification of acceptable
5 visual acuity from a licensed physician or optometrist instead of requiring the actual test
6 provided for in this subsection.

7 (ii) The examination for which certification is made shall take place
8 within 12 months of the date of application for renewal.

9 (3) An individual at least 21 years of age but under the age of 40 years may
10 apply for renewal of a driver's license electronically or by mail or other means authorized
11 by the Administration without taking a vision test if the applicant has passed a vision test
12 authorized by the Administration within the previous 9 years.

13 (4) (i) If the Administration has reason to believe that an individual is
14 a safety hazard by reason of a vision deficiency, the Administration may require the vision
15 test provided for in this subsection at a time other than renewal of a driver's license.

16 (ii) The Administration may adopt regulations to implement the
17 provisions of this subsection.

18 **[(j)] (K)** Before the expiration of a driver's license, if the Administration has
19 reason to believe that an individual is not a safety hazard, but the individual is unable to
20 pass a required knowledge test or vision test, the Administration may extend the
21 individual's privilege to drive for a period not to exceed 90 days.

22 **[(k)] (L)** (1) The Administration may not renew the driver's license of an
23 applicant who has not paid all undisputed taxes and unemployment insurance
24 contributions payable to the Comptroller or the Secretary of Labor or provided for payment
25 in a manner satisfactory to the unit responsible for collection.

26 (2) The Administration shall cooperate with the Comptroller and the
27 Maryland Department of Labor to develop procedures and adopt regulations in accordance
28 with this section.

29 (3) Regulations adopted under this subsection shall require:

30 (i) The Comptroller to notify the Administration that an individual
31 has not paid all undisputed taxes; and

32 (ii) The Maryland Department of Labor to notify the Administration
33 that an individual has not paid all undisputed unemployment insurance contributions.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2020.