

Overview: Justice Reinvestment Act, Maryland 2016

Sentencing policies

- Property offenses
 - Raises the felony theft threshold from \$1,000 to \$1,500
 - Reduces the penalties for misdemeanor theft for the first offense to no more than six months in jail, second and subsequent convictions to no more than one year in jail
 - Adds an enhancement for fifth and subsequent misdemeanor convictions
- Driving With a Suspended License
 - Makes driving with a suspended license nonjailable with a fine of \$500
- Drug Offenses:
 - Possession –
 - Lowers non-marijuana drug possession penalties from up to four years to no more than one year for a first offense, eighteen months for second and third offenses, and two years for fourth and subsequent offenses
 - Provides guidance to the court to divert offenders with substance abuse disorders into treatment and encourages prompt placement into a treatment facility
 - Makes commensurate changes to marijuana possession penalties
 - Crack/Powder cocaine disparity:
 - Eliminates the disparity between crack and powder cocaine penalties
 - Mandatory minimums
 - Retroactive:
 - Allows drug offenders currently serving a sentence with a mandatory minimum term to be eligible for reconsideration of the mandatory sentence
 - Prospective:
 - Eliminates mandatory minimum sentences for all commercial drug offenses except volume dealers and drug kingpins
 - Removes the statute that allows prosecutors to double the sentence for subsequent drug offenders, unless the defendant has previously been convicted of a crime of violence
 - Makes third and subsequent commercial drug offenders eligible for parole after serving 50% of sentence

Release policies:

- Administrative parole:
 - Establishes presumed parole approval for certain offenders convicted of drug offenses and misdemeanor property crimes who have satisfied specific criteria
- Diminution credits:
 - Allows offenders revoked to prison from Mandatory Release status to earn credits
 - Expands the program participation credits by an additional ten days
 - Ensures that low-level drug offenders get ten days of good-time credits for every 30 days served
- Geriatric parole:
 - Expands parole eligibility for certain offenders by reducing the qualifying age from 65 to 60 after having served 15 years

Supervision policies

- Graduated sanctions:
 - Requires parole and probation officers to respond to technical violations using swift, certain, and proportional sanctions and limits the amount of time that parolees and probationers can be returned to prison for a technical violation
- Use of evidence-based practices
 - Requires the use of a validated risk and needs assessment to make supervision and treatment decisions for individuals on probation and parole
 - Requires the Division of Parole and Probation to establish evidence-based supervision standards
- Earned Compliance credits
 - Strengthens the current earned compliance credit system by expanding eligibility to all drug offenders and allowing those who have earned enough credits to be automatically transferred to unsupervised parole or probation where they are no longer subject to supervision fees
- Certificate of rehabilitation
 - When granted, ensures that first-time, nonviolent offenders who have successfully completed supervision cannot be denied certain professional certifications solely on the basis of their criminal conviction