

Chapter 07 Supervision and Monitoring
Section 08 - Abatement and Early Termination of Supervision

A. Definitions.

(1) "Abatement" means an end to active supervision of an offender, without effect on the legal expiration date of the abated case or the offender's obligation to:

(a) Obey all laws;

(b) Report as instructed; or

(c) Obtain the Division's written permission before relocating residence outside of the State.

(2) "Crime-free" means the absence of a:

(a) Violation of probation;

(b) Violation of parole; or

(c) Criminal charge, other than a minor traffic violation (such as speeding or failing to stop at a stop sign or red light), which is pending or resulted in a:

(i) Conviction;

(ii) *Stet*; or

(iii) Probation before judgment.

(3) "Early Termination" means the legal end to probation supervision by order of the sentencing authority.

(4) "Sexual Offender" means an offender who has committed a sexual offense or a crime involving sexual behavior.

B. Eligibility Requirements for Requesting Abatement or Early Termination.

(1) Except as set forth in paragraph (2) of this subsection, an agent may request abatement or early termination of an offender's supervision if the offender has completed two consecutive years of crime-free behavior and the offender, as applicable:

(a) Has paid in full restitution, 2% collection fee, fine, court costs, and public defender fee;

(b) Is current on payment of supervision fee and drug testing fees, as applicable;

(c) Has fulfilled all special conditions;

(d) Is under intermediate or standard supervision; and

(e) Has incurred neither a behavioral nor an actual positive for a drug test administered during the 30 days prior to the submission of the report requesting abatement or early termination.

(2) **Ineligible offender.** An offender shall be ineligible for abatement or early termination if the offender is:

(a) Serving a life sentence;

(b) A sexual offender; or

(c) Registered or is required to register as a sexual offender.

C. Procedures for Requesting Abatement or Early Termination.

(1) **Agent.** Not later than 30 days prior to the submission of a request for abatement or early termination, an agent shall:

(a) Ensure that the requirements set forth in B(1) and (2) of this section have been met; and

(b) Obtain hardcopies of the offender's:

(i) Maryland RAP sheet;

(ii) FBI criminal history record; and

(iii) Maryland driving record.

(2) When an agent meets the requirements set forth in paragraph (1) of this subsection, the agent shall:

(a) Complete form DPP-SUP-62 ("Petition for Abatement or Early Termination of Supervision"); and

(b) Submit to the agent's immediate supervisor the:

(i) Completed form DPP-SUP-62, with attachments, if any; and

(ii) Case folder.

(3) **Immediate supervisor.** Upon receipt of the items listed in paragraph (2)(b) of this subsection, a supervisor shall:

(a) Review the entries on form DPP-SUP-62 for accuracy and completeness;

(b) Determine whether the offender is eligible for the abatement or early termination being sought; and

(c) Ensure that required documentation is attached to the form.

(4) **Routing.** If an immediate supervisor approves a DPP-SUP-62 requesting early termination or abatement of probation supervision, the immediate supervisor shall:

(a) Sign the DPP-SUP-62; and

(b) Direct the DPP-SUP-62 to the sentencing court.

(5) If an immediate supervisor approves a DPP-SUP-62 requesting abatement of parole supervision, the immediate supervisor shall:

(a) Sign the request; and

(b) Forward the request to the Maryland Parole Commission.

(6) **Case closing: early termination.** If a court approves a request for early termination, the agent shall:

(a) Give a copy of the signed DPP-SUP-62 to the offender;

(b) If applicable, complete the steps set forth in paragraph (8) of this subsection;

(c) Unless paragraph (8) applies, close the case, effective the date the court approved early termination, in accordance with case closing procedures and

(d) Using form DPP-COL-53A, reduce the offender's monthly supervision fee balance by the number of months, times the applicable fee, that remain before the original legal expiration date would have been reached.

Example: Offender's original legal expiration date is October 15, 2010 and the applicable monthly supervision fee is \$40. If an Order for Early Termination is signed by a judge on December 12, 2008, the offender's agent will reduce the offender's monthly supervision fee balance by the product of 22 (i.e., November 2008 through October 2010) x \$40.

(7) **Abatement.** If the Parole Commission or a court abates supervision of an offender, the agent shall:

(a) Instruct the offender to contact the Division if the offender:

(i) Is charged with a crime other than a minor traffic violation (such as speeding or failing to stop at a stop sign or red light), before the legal termination date of the abated case is reached;

(ii) Wants to relocate residence outside of the State; or

(iii) Is notified to contact the Division;

(b) Record in the case notes that the preceding instructions were given to the offender;

(c) Using form DPP-COL-53A, reduce the offender's monthly supervision fee balance by the number of months, times the applicable fee, that remain before the legal expiration date will be reached (See example that immediately follows paragraph (6)(d) of this subsection;

(d) Give a copy of the signed DPP-SUP-62 to the offender;

(e) Ensure that OBSCIS II is updated to reflect that case supervision is abated;

(f) If applicable, complete the steps set forth in paragraph (8) of this subsection; and

(g) Unless paragraph (8) applies, transfer the abated case to the Case Monitoring Unit, in accordance with case transfer procedures.

(8) If an order for abatement or early termination is signed in a month subsequent to the one in which the request was submitted, the offender will owe a supervision fee for the subsequent month or months. Under this circumstance, an agent shall:

(a) Change the case status to NAU (non-active unavailable);

(b) Provide the offender with written notice (e.g., COL-1) of the amount due; and

(c) Inform the offender that if payment is not received by the Division within 30 days, the unpaid supervision fee balance will be forwarded to the Central Collection Unit for collection.

(9) If a petition for early termination or abatement of an eligible offender is denied, the agent shall place the offender's case in the standard supervision level.