

Chapter 7
Section 12 - Certificates of Rehabilitation and Completion
Authority: Correctional Services Article, §§ 7-103 and 104

A. Introduction.

It is the express policy of the State to encourage the employment of those individuals who have been convicted of any but certain specified crimes and who have completed, successfully, their parole, probation, or mandatory release obligations. Such individuals are, by law, entitled either to a Certificate of Completion, a Certificate of Rehabilitation, or both. This section provides for these certificates, sets forth the eligibility requirements for them, explains their purposes, and establishes the procedures for determining the appropriate response to an individual who requests a certificate.

B. Definitions.

(1) In this section, the following terms have the meanings indicated.

(2) Terms defined.

(a) “Certificate of Completion” means a document requested by an individual previously under parole, probation, or mandatory release supervision by the Division, pursuant to *Md. Code Annotated*, Correctional Services Article, § 7-103.

(b) “Certificate of Rehabilitation” means a document requested by an individual previously under parole, probation, or mandatory release supervision by the Division, pursuant to *Md. Code Annotated*, Correctional Services Article, § 7-104.

(c) “Crime of violence” means:

- (i) Abduction;
- (ii) Arson in the first degree;
- (iii) Kidnapping;
- (iv) Manslaughter, except involuntary manslaughter;
- (v) Mayhem;
- (vi) Maiming;
- (vii) Murder;
- (viii) Rape;
- (ix) Robbery;

- (x) Carjacking;
- (xi) Armed carjacking;
- (xii) Sexual offense in the first degree;
- (xiii) Sexual offense in the second degree;
- (xiv) Use of a handgun in the commission of a felony or other crime of violence;
- (xv) Child abuse in the first degree;
- (xvi) Sexual abuse of a minor;
- (xvii) An attempt to commit any of the crimes described in items (i) through (xvi) of this subsection;
- (xviii) Continuing course of conduct with a child, under Criminal Law Article §3-315;
- (xix) Assault in the first degree;
- (xx) Assault with intent to murder;
- (xxi) Assault with intent to rape;
- (xxii) Assault with intent to rob;
- (xxiii) Assault with intent to commit a sexual offense in the first degree; or
- (xxiv) Assault with intent to commit a sexual offense in the second degree.

C. Certificate of Completion.

(1) Certificate explained. A Certificate of Completion certifies that a particular individual previously supervised by the Division as a probationer, parolee, or mandatory supervisee successfully completed the individual's term of supervision by:

- (a) Fulfilling the standard and special conditions under which the individual was released to probation, parole, or mandatory release supervision; and
- (b) Fully satisfying the individual's payment obligations.

(2) Form of request. An individual may request a Certificate of Completion at any time and by any medium after the individual's supervision term is ended.

(3) Time limitation for responding to request. An agent, monitor, or other authorized employee of the Division shall respond to a request received from an individual for a Certificate of Completion not later than 15 workdays after the request is received. The response shall be as set forth in the next paragraph.

(4) Response to request for Certificate of Completion. An agent, monitor, or other authorized employee of the Division shall respond to a request for a Certificate of Completion by, as applicable:

(a) Completing form “Certificate of Completion,” if the individual meets the requirements set forth in paragraph (1)(a) and (b) of this subsection; or

(b) Completing form “Denial of Certificate of Completion,” if the individual does not meet the requirements set forth in paragraph (1)(a) and (b) of this subsection.

(5) Form of delivery. An agent, monitor, or other authorized employee of the Division shall mail a requested Certificate of Completion or a completed denial notice to the requesting individual’s home address, within the time limitation set forth in paragraph (3) of this subsection.

D. Certificate of Rehabilitation.

(1) Certificate explained. A Certificate of Rehabilitation shall be issued to an individual, previously supervised by the Division as a probationer, parolee, or mandatory supervisee, who:

(a) Requests a certificate; and

(b) Meets the eligibility requirements to receive a certificate.

(2) In contrast to a Certificate of Completion, a Certificate of Rehabilitation:

(a) Requires an investigation;

(b) Has more stringent eligibility requirements; and

(c) Prior to issuance, may be objected to by certain specified parties.

(3) Eligibility requirements. An individual may be eligible to be issued a Certificate of Rehabilitation if the individual:

(a) Was *not* convicted of:

(i) A crime of violence; or

(ii) An offense requiring sexual offender registration;

(b) Was supervised by the Division as a probationer, parolee, or mandatory supervisee;

(c) Completed all standard and special conditions under which the individual was released to probation, parole, or mandatory release supervision;

(d) Satisfied the individual’s payment obligations, if any;

- (e) Is no longer under the jurisdiction of the Division;
- (f) Has not been issued a Certificate of Rehabilitation previously; and
- (g) Requests a Certificate of Rehabilitation.

(4) Limitation on issuance of Certificate of Rehabilitation. An individual may not receive more than one Certificate of Rehabilitation in the individual's lifetime.

(5) Initiating a request for a Certificate of Rehabilitation. An individual may initiate a request for a Certificate of Rehabilitation at any time following the completion of the individual's term of supervision. The request shall be submitted online at the Department's public access website.

(6) Routing a request. A request for a Certificate of Rehabilitation received by the Division shall be routed for investigation by an investigator assigned to the investigations office within the region in which the requesting individual's probation, parole, or mandatory release supervision was closed.

(7) Investigation content and time limitation. The content and time limitation of an investigation report conducted pursuant to this section shall be as set forth in Chapter 08 of this manual.

(8) Termination of investigation for cause. If, at any point in an investigation, the investigator determines that grounds exist requiring denial of a request, the investigator shall:

- (a) Record the grounds for denial in the agent's report;
- (b) Terminate the investigation;
- (c) Forward the investigative report and recommendation to the Office of the Director or the Director's designee.

(9) Criminal history records access. Absent written authorization or written permission signed by an individual previously under probation, parole, or mandatory release supervision, neither an investigator nor any other employee of the Division may access an individual's criminal history records. Accordingly, an investigator shall ensure that the requisite written authorization or permission is obtained and placed within the investigator's case folder before criminal history records are accessed.

(10) Investigator's recommendation. Upon the conclusion of a Certificate of Rehabilitation request investigation, an investigator's recommendation to grant or to deny the request shall, along with the investigation report, be forwarded to the Office of the Director or the Director's designee for review.

(11) Opportunity for prosecutor and crime victim to object. By law, the state's attorney and the victim of the crime committed by the individual requesting a Certificate of Rehabilitation have a right to object to the issuance of the certificate.

(12) Form of notice and time limitation. If the recommendation contained in an investigator's report is to issue a Certificate of Rehabilitation, the investigator shall, not later than five workdays after the report is completed, notify, by mail, the:

(a) Office of the prosecutor in the jurisdiction in which the conviction occurred and for which the Certificate of Rehabilitation was requested; and

(b) Victim or victims, if any, of the crime for which the Certificate of Rehabilitation was requested.

(13) Content of notice to object to prosecutor and victim. The notice to the prosecutor and victim described in herein above shall contain:

(a) The full name of the individual requesting a Certificate of Rehabilitation;

(b) The court, case number, and date of the conviction of the individual requesting a Certificate of Rehabilitation;

(c) A statement that:

(i) The named individual has requested a Certificate of Rehabilitation; and

(ii) By law, the prosecutor and victim have a right to object to the issuance of the requested Certificate of Rehabilitation; and

(d) The name and title of the investigator and the address of the office to which an objection is to be sent.

(14) Time limitation for response. In addition to the items set forth in paragraph (13) of this subsection, the notice sent to a victim and a prosecutor shall clearly state that if an objection is not received within 15 calendar days of the postmark on the envelope containing the notice, the agency will assume that there is no objection.

(15) Routing an objection. If an objection to issuance of a Certificate of Rehabilitation is received by an investigator, the investigator shall:

(a) Include the objection among the investigation material; and

(b) If an objective is received after the 15-day time limitation set forth in paragraph (14) of this subsection, forward the objection to the Office of the Director or the Director's designee.

(16) Final decision. The final decision regarding the issuance of a Certificate of Rehabilitation vests with the Office of the Director. The Director, or the Director's designee, shall render a decision to issue or to deny a requested Certificate of Rehabilitation and take appropriate steps to:

(a) Cause the Certificate of Rehabilitation to be issued; or

(b) Notify the individual affected that the request is denied for a reason or for reasons specified.