SB 732

Department of Legislative Services

Maryland General Assembly

FISCAL NOTE

Senate Bill 732 (The President)
(Administration)
Judicial Proceedings

Crimes - Patuxent Institution Youth Program - Patuxent Institution

This Administration bill terminates the existing mental health-based rehabilitation program at the Patuxent Institution and replaces it with a program consistent with contemporary remediation philosophy.

Fiscal Summary

State Effect: Indeterminate, but potentially significant, effect on general fund expenditures. Revenues would not be affected.

Local Effect: None.

Small Business Effect: A small business impact statement was not provided by the Administration in time for inclusion in this fiscal note. A revised fiscal note will be issued when the Administration's assessment becomes available.

Fiscal Analysis

Bill Summary: The bill underpins substantial programmatic changes by: (1) broadening the definition of "eligible person" by eliminating the need for a Patuxent inmate to have an intellectual impairment or emotional imbalance, and by repealing the current exemption of persons convicted of first degree murder, first degree rape, or first degree sexual offense; (2) redefining "evaluation team" by eliminating the need for a social worker, a psychologist, and a psychiatrist; and (3) broadening the definition of "remediation" to include treatment for drug dependency, educational deficiencies, and lack of job skills.

The bill specifically terminates the current mental health program at the institution on October 1, 1998. All inmates in the prior program are required to have their eligible person

status eliminated. However, for transition purposes, all former eligible persons must be presumed to qualify as eligible persons under the program enacted under this bill until a new eligible assessment can be made at the inmate's next annual review.

An eligible person under a sentence of life imprisonment may only be granted work release or leave of absence with the approval of the Secretary of the Department of Public Safety and Correctional Services (DPSCS). An eligible person may not retain work release status for a period greater than 12 months unless a conditional delayed parole release has been granted. A person may be removed from work release or leave of absence status at any time by the director, with or without reason. The bill authorizes mandatory supervision release from Patuxent.

The bill authorizes the director of the institution to adopt institutional directives necessary to carry out the provisions of Article 27 (Crimes and Punishments) on matters relating to the internal management of the institution. The bill also makes the following changes to staffing requirements at the institution: (1) eliminates the need for the two associate directors to be a psychiatrist and a psychologist; (2) eliminates the need for three additional psychiatrists or clinical psychologists; and (3) eliminates the need for at least four licensed certified social workers-clinical.

The bill changes the membership of the institution's Board of Review by eliminating four of the five members who are members of the general public, thereby reducing full membership of the board from nine to five. Quorum requirements and related decision making authority for the board are also altered, as specified. The board's authority to grant parole is eliminated, with that exclusive authority granted to the Maryland Parole Commission. The bill provides the procedural and substantive detail of the commission's jurisdiction and authority over these matters. Any person losing eligible person status for the commission of a "major violation" must forfeit all good conduct credit.

Background: Patuxent Institution was created in 1951 by statute. It is a maximum security, treatment oriented correctional facility providing remediation services to both male and female offenders in its Eligible Offender Program or Patuxent Institution Youth Program. In addition, it is the central location for treating mentally ill offenders. The Director of the Patuxent Institution also serves as Director of Mental Health Services, overseeing the provision of services to mentally ill offenders throughout the State correctional system. Although the institution is a part of DPSCS, it is currently separate from the Division of Correction (DOC).

Currently, the Patuxent Institution operates: (1) the Eligible Person Program; (2) the Patuxent Institution Youth Program; (3) the Correctional Mental Health Center-Jessup; (4) the Reentry Facility; (5) the Regimented Offender Treatment Center; and (6) the

Psychological Testing Center. In addition to the Institutional Board of Review, an eight-member Citizen's Advisory Board, appointed by the Governor, advises the institution and DPSCS on the operations and programs of the institution. In 1994, the governing principles of the Patuxent Institution were changed from a rehabilitation to a remediation model.

State Effect: As of January 1998, there were 408 offenders at the Patuxent Institution under various programs. Of that number, 108 are offenders in the Youth Program. That program has a waiting list of 60 candidates. The fiscal implications of this bill cannot be readily determined due to the many variables that cannot be reliably predicted or estimated. That is, the changes provided by this bill leave open ended the uses to which the institution may be put.

In fact, subject to the normal budgetary processes, under the provisions of this bill, the institution could eventually be converted into use as a simple prison operation rather than its historical medical usages. While it is difficult to assess the immediate fiscal impact of this bill, it is assumed that, due to the nature of the institutional and programmatic changes of these provisions, the institution would eventually be converted into a maximum security prison facility.

In fiscal 2000, work is scheduled to be completed on the new 9,300-gross-square-foot Visitor Registration Center and a new perimeter security system with a sally port. The new perimeter security system will include a 9,000-linear-square-foot fence system, including an electric stun fence, a curved razor-ribbon topped fence, and an intrusion alarm system. The $6.3 million project is part of a statewide plan by DPSCS to improve security at the State prisons. Patuxent already holds some maximum-security inmates. These security measures bring the institution up to the standards of maximum security.

Since the bill eliminates the requirement for specialized medical staff at the institution, it is assumed that the State would, over time, accrue a savings in personnel costs. In fiscal 1999, the staffing costs of the current medical staff at Patuxent, including salaries and fringe benefits is expected to be approximately $1.6 million.

DOC advises that this bill's changes would have some effect on the eligibility of offenders waiting for transfer to the institution. However, DOC believes that these changes would not affect DOC's average daily populations and that, accordingly, there will be no impact on the division's operations or funding.
In any event, general fund expenditures could increase by an estimated $54,297 in fiscal 2000. This estimate reflects the cost of hiring one Institutional Parole Associate and one Office Clerk to provide parole related services for the Maryland Parole Commission at the Patuxent Institution. It includes salaries, fringe benefits, and ongoing operating expenses. Future year expenditures would reflect: (1) full salaries with 3.5% annual increases and 3%

employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Information Source(s): Department of Public Safety and Correctional Services (Patuxent Institution, Division of Correction, Maryland Parole Commission); Department of Legislative Services

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