

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 887 (Washington County Delegation, *et al.*)
Appropriations

Public Safety - Reimbursement for Costs of Prosecuting State Prisoners

This bill requires the Department of Public Safety and Correctional Services (DPSCS) to reimburse a State's Attorney's office for the costs of prosecuting State prisoners for crimes committed while the prisoners are in the custody of DPSCS, including pretrial detainees. The bill requires DPSCS to establish application procedures for a State's Attorney's office to follow when applying for reimbursement from DPSCS.

Prisoner prosecution costs eligible for reimbursement include compensation for attorneys, clerks, and support staff for activities necessary for the prosecution of a prisoner.

The bill also requires DPSCS to report to the Governor and the General Assembly annually, by August 30, on reimbursement payments made under these provisions.

Fiscal Summary

State Effect: Potential general fund expenditure increase of \$200,000 to \$300,000 annually for DPSCS beginning in FY 2003.

Local Effect: Varying amounts of revenue increases for the Office of the State's Attorney in Baltimore City and Allegany, Anne Arundel, Somerset, and Washington counties beginning in FY 2003.

Small Business Effect: None.

Analysis

Current Law: None applicable.

Background: The Division of Correction of the DPSCS has the responsibility for operating State correctional facilities including 14 State prisons.

In fiscal 2000, the State's Attorney for Anne Arundel County negotiated for and received a "grant" of \$60,000 to prosecute such cases in the county. While the total number of inmate prosecutions statewide is unknown, in fiscal 2000 there were a total of 1,547 inmate assaults at various DPSCS facilities including those with the Division of Pretrial and Detention Services. Current case-by-case costs are also not available for any of the five jurisdictions with major correctional facilities.

Assuming that the bill does not intend to include persons in the custody of DPSCS who are on parole or probation, in the home detention program, or in various contract care facilities, the estimated average daily populations for DPSCS facilities for fiscal 2000 are as follows:

State Expenditures: The Office of the State's Attorneys' Coordinator reports that, based on a survey of the five jurisdictions with major correctional institutions, the following cost estimates reflect average annual costs for such prosecutions:

The coordinator also estimates that Somerset County's costs would be similar to Allegany County, and that Baltimore City's costs would likely be about \$75,000. It is

noted that all of these estimates assume no death penalty prosecutions, any one of which would have significantly higher costs attached.

The Department of Legislative Services assumes that the reimbursement program set up under the provisions of this bill could be made to be similar to the reimbursable arrangement by which the Office of Administrative Hearings currently bills and is reimbursed in accordance with actual activity from the prior budget year. Accordingly, if this were done to accommodate the provisions of this bill, beginning in fiscal 2003, DPSCS would reimburse the various affected State's Attorneys for a total of between \$200,000 and \$300,000 annually, barring any death penalty prosecutions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services, Office of the State's Attorneys' Coordinator, Department of Legislative Services

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ef/jr

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