

Department of Legislative Services
 Maryland General Assembly
 2011 Session

FISCAL AND POLICY NOTE

House Bill 1300
 Judiciary

(Delegate Hucker, *et al.*)

Probation - Probation Work Readiness Pilot Program

This bill requires the Chief Judge of the Court of Appeals to establish a Probation Work Readiness Pilot Program in the circuit courts of two counties for the purpose of providing dedicated services for individuals placed on probation to obtain and retain employment. The bill specifies the makeup of such a program, which must enable the Department of Public Safety and Correctional Services (DPSCS) to work with employment training and placement service providers to perform enumerated functions, including the recruitment of employers receptive to employing individuals on probation and the tracking of data on outcomes. DPSCS must develop regulations for the program, including specified criteria, in consultation with the Chief Judge and the chief administrative judges for the selected circuits. The bill’s requirements apply only to the extent that funds are provided in the State budget for the pilot program.

The bill takes effect July 1, 2011, and terminates on June 30, 2013.

Fiscal Summary

State Effect: General fund expenditures increase by \$241,900 in FY 2012 and by \$299,100 in FY 2013. Revenues are not affected.

(in dollars)	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	241,900	299,100	0	0	0
Net Effect	(\$241,900)	(\$299,100)	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: Under the bill, a court may order a defendant to participate in the pilot program as a condition of probation. A defendant ordered to participate may not fail to do so without lawful excuse. A violation of an order to participate in the program is deemed a violation of probation.

The pilot program is required to enable DPSCS to work with employment training and placement service providers to:

- provide dedicated services for individuals placed on probation to obtain and retain employment;
- specialize in the employment needs of individuals on probation;
- actively recruit employers who are receptive to employing individuals on probation;
- provide job training to participants based on identified needs;
- implement a data management system to provide detailed information on the outcomes of participants in the program; and
- accept all defendants referred to the program by a circuit court.

The Chief Judge of the Court of Appeals, the circuit administrative judges for the two selected circuits, and DPSCS must jointly report to the General Assembly on the pilot program by October 1, 2013. Abrogation of the bill's provisions after the termination date may not be interpreted or applied to terminate the obligation of a defendant to comply with any court order under the bill before its termination date.

Current Law: If a court grants probation, the court may order the probation to be supervised or unsupervised. An offender placed on supervised probation is required to pay a monthly fee of \$40 to the division unless exempted by law.

Background: The Division of Workforce Development and Adult Learning (DWDAL) of the Department of Labor, Licensing, and Regulation (DLLR) tracks the success of its employment services by measuring the rate at which participants enter employment. The division meets the goal of achieving federal standards, but rates fluctuate from year to year. Federal stimulus funds are expected to positively impact this measure in the out years. The State's unemployment rate has reached 7.5%, increasing the demand for the services offered by DWDAL. The division offers services for youth, adult, and dislocated workers through 12 local workforce investment boards.

Chapter 134 of 2008 transferred adult education, literacy, and correctional education services from the Maryland State Department of Education to DLLR as of July 1, 2009.

This legislation was enacted in order to align the State's workforce development resources with adult learning needs. DWDAL is undertaking a review of performance measures for these programs. Currently, the division is tracking the number of learners who advance a literacy level; the rate of high school diplomas awarded; the rate of entering employment; total instructional hours; completions of academic, occupational, and transitional programs; total enrollment; and the number of students/inmates on waiting lists. Additionally, adult learning programs are now subject to the StateStat process.

The fiscal 2012 allowance for DWDAL grows by approximately \$7.9 million, largely due to an increase in federal funds for workforce grants and an increase in general funds for personnel expenses. The bulk of federal funding for the division's workforce development efforts is derived from the federal Workforce Investment Act (WIA). This funding increases by \$6.8 million and will provide additional services such as employment assessments, outreach, job placement, on-the-job training, and skills training. WIA's programs are designed to help adult, youth, and dislocated workers. Most of the services are provided and tailored by local workforce investment boards. There are 12 local boards across the State, and each is chaired by a local business person. The point of contact for most individuals seeking services is the one-stop shops, which are located in each county. Services include job searches, placement, and training. Funds are provided to each jurisdiction based on a formula that considers a variety of workforce indicators such as population and employment data. Any additional funds provided to the local workforce boards go to increase capacity under the existing services.

In June 2010, the Chief Judge of the Court of Appeals, by an administrative order, created an Ad Hoc Committee on Sentencing Alternatives, Reentry and Best Practices. Under the order, "the Committee may consult with others with useful information on the subject, including Maryland judicial committees, state and local government agencies, commissions and task forces, other states' representatives, corrections consultants, community organizations and others as to best practices, reentry and sentencing alternatives, the most effective methods of screening, evaluating, and sentencing offenders so as to rehabilitate effectively, reduce recidivism, promote public safety, and increase ex-offenders' positive contribution to the community."

The committee may also propose and promote programs, screening, rules, and systemic changes that will improve sentencing practices, alternatives, and effectiveness, and "propose and promote strategies to generate adequate levels of public, private and volunteer resources and funding for sentencing alternatives, reentry and best practices in Maryland, as well as any appropriate sentencing education program which may benefit judges of the Maryland Judicial Conference."

State Expenditures: Program design and regulations can be generally accommodated with the existing budgeted resources of the Judiciary and DPSCS. Beyond the development of regulations for this pilot program, neither the Judiciary nor DPSCS assumed actual program costs under the bill. However, Legislative Services advises that both the Administrative Office of the Courts and the Division of Parole and Probation can design and implement a pilot program by using existing public and private workforce development resources, including job training, cited above. For purposes of this fiscal and policy note, it is assumed that the pilot program would be implemented in one larger jurisdiction (*i.e.*, Howard or Montgomery counties) and a smaller to medium sized jurisdiction (*i.e.*, Calvert or Carroll counties). The use of existing resources may not be feasible if the pilot program is established in larger jurisdictions with a high caseload level and an above-average unemployment rate (*i.e.*, Baltimore City and Prince George’s County).

Division of Parole and Probation

General fund expenditures increase by \$198,300 in fiscal 2012, which accounts for a 90-day start-up delay. This estimate reflects the cost of hiring two program persons and one clerical person for pilot program activity in the two selected counties until June 30, 2013. It includes contractual salaries, contractual fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Positions	3
Salaries and Fringe Benefits	\$182,864
Additional Equipment	10,560
Other Operating Expenses	<u>4,839</u>
Total FY 2012 State Expenditures	\$198,263

Future year expenditures increase by \$242,700 in fiscal 2013 which reflects 1% annual increases in ongoing operating expenses, including contractual services.

Maryland Judiciary

General fund expenditures increase by \$43,600 in fiscal 2012, which accounts for a 90-day start-up delay. This estimate reflects the cost of hiring one program person to track and record pilot program activity in the two selected counties until June 30, 2013. It includes a contractual salary, contractual fringe benefits, and ongoing operating expenses.

Future year expenditures increase by \$56,300 in fiscal 2013 which reflects 1% annual increases in ongoing operating expenses, including contractual services.

Additional Comments: Over the last 24 years, alternative-to-incarceration programs have been implemented by DPSCS and by many local jurisdictions. Use of these programs has expanded in recent years. For instance, on an average day, 250 State prisoners are in a home detention program for a variety of offenses. In addition, a number of offenders are monitored through county programs. The following 13 jurisdictions are authorized to have a home detention program: Allegany, Anne Arundel, Baltimore, Carroll, Cecil, Dorchester, Frederick, Harford, Howard, Kent, St. Mary's, Washington, and Wicomico counties.

Postconviction home detention is a type of alternative confinement that is used for persons who have been convicted of a crime. It allows the person to continue to live in the person's residence and continue to work but is designed to provide supervision over the person's activities. In fiscal 1991, the General Assembly directed local jurisdictions to make greater use of alternatives to incarceration. Implementation has been directed largely toward local pretrial populations and includes programs such as community service, electronic monitoring, intensive supervision, and pretrial release. In fiscal 2009, an average of 346 individuals were under home detention supervision by the counties and the Baltimore City Detention Center each day.

Additional Information

Prior Introductions: None.

Cross File: Although SB 636 is identified as a cross file to this bill, they are not identical.

Information Source(s): Maryland Higher Education Commission; Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Department of Public Safety and Correctional Services; Department of Legislative Services

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