

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 149
Judiciary

(Frederick County Delegation)

Frederick County - Adult Detention Center - Fees

This bill increases the maximum fees that may be charged for medical and dental visits for individuals incarcerated in the Frederick County Adult Detention Center. The fees must be deducted from an inmate's account maintained by the detention center's managing official at a rate of \$8 for each visit to an institutional medical unit and \$35 for each visit to an institutional dentist. The bill also authorizes the Frederick County Sheriff to charge a reasonable fee of up to \$10 for each individual processed into the county detention center and for each incarcerated individual for each day of incarceration. The sheriff may also charge a reasonable administrative fee of up to \$25 for each individual participating in a general educational development program at the detention center. A juvenile may not be charged such an administrative fee.

Fiscal Summary

State Effect: None.

Local Effect: Frederick County revenues increase by approximately \$300,000 in FY 2012, with future year revenues increasing by 2.5% annually. Fee collections can be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: The governing body of each county must establish a reasonable fee, not to exceed \$4, for each visit by an inmate in a local correctional facility to an institutional medical unit or noninstitutional physician, dentist, or optometrist. The per-visit fee must

be deducted from an inmate's spending financial account, reserve financial account, or similar account held by the managing official on behalf of the inmate. The fees collected must be deposited in the county's general fund.

These requirements do not apply to a visit by an inmate to a medical unit or a physician, dentist, or optometrist if the visit is:

- required as a part of the intake process;
- required for an initial physical examination;
- due to a referral by a nurse or physician's assistant;
- provided during a follow-up visit that is initiated by a medical professional from the local correctional facility;
- initiated by a medical or mental health staff member of the local correctional facility; or
- required for necessary treatment.

Background: The Frederick County Sheriff's Office operates a work release program under which the sheriff must collect the earnings of an inmate in the program, less required payroll deductions. From the inmate's earnings is deducted the cost to the county for food, lodging, and clothing for the inmate; the actual cost of necessary food and travel and other expenses incidental to the inmate's participation in the program; any amount a court imposes for a fine, cost, or restitution; any amount that the inmate is legally obligated or reasonably desires to pay for support of a dependent; and, if applicable, any amount that a court orders the inmate to repay to the State or to the county for the services of an attorney appointed by the court. The sheriff must credit to the inmate's account the remaining balance and dispose of the balance in the inmate's account as the inmate reasonably requests and as the sheriff approves.

The fiscal 2011 budget for Frederick County includes \$11.6 million for the county adult detention center and \$2.4 million for the work release program. These costs account for 3.2% of the county's general fund expenditures.

Local Revenues: In fiscal 2010, the Frederick County detention center:

- had an average daily population of 398 persons;
- processed 3,076 inmates into the detention center;
- collected \$3,007 in medical fees from inmates; and
- had 341 inmates visit an institutional dentist.

Frederick County estimates that the bill may generate nearly \$1.5 million in assessed fees in fiscal 2012 as shown in **Exhibit 1**. The county estimates that future year fee

assessments would increase by 2.5% annually which reflects the annual growth rate in the county's inmate population. However, it is assumed that only about 20% of the assessed fees will actually be collected. Accordingly, county revenues increase by approximately \$300,000 in fiscal 2012. Future year revenues increase by 2.5% annually as the population at the county detention center grows. No additional resources are needed to track, assess, or collect the fees.

Exhibit 1
Potential Frederick County Revenues
From Proposed Adult Detention Center Fees

	<u>Fee Amount</u>	<u>Assessed Fees</u>	<u>Actual Collections</u>
Medical Visit Fee ¹	\$8	\$6,014	\$1,203
Dental Visit Fee ¹	35	11,935	2,387
Processing Fee	10	30,760	6,152
Daily Incarceration Fee	10	1,452,700	290,540
Total		\$1,501,409	\$300,282

¹A portion of these amounts includes assessments and collections that are currently allowed.

Additional Information

Prior Introductions: SB 772 and HB 583 of 2010 received an unfavorable report by the Senate Judicial Proceedings Committee and the House Judiciary Committee, respectively.

Cross File: SB 263 (Senators Brinkley and Young) - Judicial Proceedings.

Information Source(s): Frederick County, Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2011
mc/hlb

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