

Department of Legislative Services
 Maryland General Assembly
 2014 Session

FISCAL AND POLICY NOTE

Senate Bill 816 (Senator Shank)
 Judicial Proceedings

Correctional Services - Transfers of Inmates - Information

This bill requires that, if an inmate is transferred from one correctional facility to another correctional facility, the transferring facility must send as part of the transfer (1) a notification regarding the transfer to the court ordering the commitment of the inmate and to the State’s Attorney’s office that prosecuted the inmate; (2) the commitment record of the inmate, including specified restitution information; (3) any request for postsentencing victim notification; and (4) the sentencing guidelines worksheet.

Fiscal Summary

State Effect: General fund expenditures increase by approximately \$1.9 million in FY 2015 to handle additional notifications. Future year estimates reflect annualization and inflation. Revenues are not affected.

(in dollars)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1,887,900	2,303,500	2,412,600	2,527,000	2,646,900
Net Effect	(\$1,887,900)	(\$2,303,500)	(\$2,412,600)	(\$2,527,000)	(\$2,646,900)

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

Local Effect: Minimal. Jurisdictions surveyed are already in compliance with the bill’s requirements. It is assumed that any jurisdictions not currently in compliance could implement the bill with minimal adjustments to current practices.

Small Business Effect: None.

Analysis

Current Law: State law governing the transfer of defendants or inmates is as follows:

- If a criminal case is removed from one county to another and the defendant is detained in a correctional facility, the defendant may not be transferred to the county to which the case was removed until the presence of the defendant is required in the court to which the case was removed.
- If an individual whose trial has been removed is convicted of a crime punishable by imprisonment in a local correctional facility, any sentence of imprisonment imposed by a court must be to a local correctional facility of the county from which the case was removed. The sheriff of the county in which the conviction occurred must place the individual who was convicted and a certified copy of the docket entries in the case in the custody of the sheriff of the county in which the charging document was filed.
- The Department of Public Safety and Correctional Services (DPSCS) may accept the transfer of an inmate from a local correctional facility if (1) the inmate requires special behavioral or medical treatment or maximum security detention; (2) the local correctional facility is not equipped to properly provide the necessary treatment or detention; and (3) when required by any other law, the committing court approves the transfer.
- By mutual agreement with a county or counties, DPSCS may transfer a minimum security inmate to a local correctional facility operated by the county or counties for participation in community-oriented correctional programs.
- An inmate of a maximum or medium security State correctional facility may not be transferred to a State minimum security correctional facility or a local correctional facility unless the DPSCS case management unit participates in, evaluates, reviews, and provides final approval for the transfer. This does not apply to the transfer of an inmate that is in accordance with a court order and in connection with a pending judicial proceeding.
- DPSCS may contract with the federal government for the transfer of inmates from State correctional facilities to appropriate facilities operated by or for the federal government.

- On terms and conditions that it prescribes, DPSCS may accept custody of any individual who is sentenced to its jurisdiction by the U.S. District Court for the District of Maryland. While in a State correctional facility, such a transferred individual is subject to the same rules and discipline that are applicable to inmates sentenced by State courts to the jurisdiction of DPSCS.
- If a treaty between the United States and a foreign country provides for the transfer or exchange of convicted offenders to the country of which they are citizens or nationals, the Governor may authorize, on behalf of the State and subject to the terms of the treaty, DPSCS to consent to the transfer or exchange of offenders and take any other action necessary to initiate the participation of the State in the treaty.

State Fiscal Effect: DPSCS advises that on a typical day, it transfers 75 to 150 inmates and detainees within the State correctional system. Each commitment office is situated regionally and not at each facility. DPSCS reports the following regarding current practices for the transfer of inmates and records:

- An inmate's base file is transported with the inmate for each permanent housing transfer.
- There is a link through the National Victim Notification Network (VINES) and a computerized inmate locator system available for court officials to access the location of any inmate.
- DPSCS does not currently have a mechanism in place to notify each State's Attorney for every inmate tried in that jurisdiction every time a transfer is made to a new location.
- Commitment records are centralized. Victim notification is centralized. Restitution orders usually accompany the commitment or are written on the commitment.

DPSCS advises that it currently functions under guidelines similar to those required under the bill for all transfers. However, it does not currently provide notification to the sentencing judge and the prosecutor. Under the bill, every time there is an inmate transfer, DPSCS would have to submit additional notifications. The volume of inmates transferred creates an operational and fiscal impact as discussed below.

General fund expenditures increase by \$1,887,921 in fiscal 2015, which accounts for the bill's October 1, 2014 effective date. This estimate reflects the cost of hiring 1 commitment records specialist manager, 3 commitment records supervisors, 3 commitment specialist leaders, and 30 commitment records specialists to conduct the

required notifications to State's Attorneys and the courts. It includes salaries, fringe benefits, one-time start-up costs, computer reprogramming costs, and ongoing operating expenses.

Positions	37
Salaries and Fringe Benefits	\$1,660,136
Computer Reprogramming Costs	50,000
Equipment	161,690
Other Operating Expenses	<u>16,095</u>
Total FY 2015 State Expenditures	\$1,887,921

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

The Judiciary advises that, while this bill would assist State trial courts in directing writs to the correct facility, resulting in fewer postponements due to the defendant not being brought to court, it has no significant fiscal or operational impact on the trial courts.

Additional Information

Prior Introductions: None.

Cross File: HB 614 (Delegates Simmons and Kramer) - Judiciary.

Information Source(s): Kent, Montgomery, Washington, and Worcester counties; Baltimore City; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services, State's Attorneys' Association, Department of Legislative Services

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