

Department of Legislative Services  
 Maryland General Assembly  
 2019 Session

FISCAL AND POLICY NOTE  
 First Reader

Senate Bill 962 (Senator Zirkin)  
 Judicial Proceedings

Correctional Services - Offender Rehabilitation and Reentry Program -  
 Establishment

This bill requires the Department of Public Safety and Correctional Services (DPSCS) to establish an Offender Rehabilitation and Reentry Program by January 1, 2020. The purpose of the program is to provide and coordinate the delivery of community services to recently released ex-offenders to facilitate transition back into the community, reduce recidivism, and assist in job training and placement, housing, health, literacy, and education. Beginning in fiscal 2021, the Governor must annually include \$250,000 in the State budget to accomplish the purposes of the program.

Fiscal Summary

**State Effect:** *Under one set of assumptions,* general fund expenditures increase by \$5.5 million in FY 2020 for DPSCS to establish the program. Future year expenditures are annualized and reflect ongoing costs, including the mandated appropriation. **This bill establishes a mandated appropriation beginning in FY 2021.**

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	5,546,600	7,016,900	7,241,900	7,481,700	7,729,900
Net Effect	(\$5,546,600)	(\$7,016,900)	(\$7,241,900)	(\$7,481,700)	(\$7,729,900)

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

**Local Effect:** Local government revenues and expenditures increase to the extent local governments provide local reentry service programs and receive grants under the bill. Local government entities also benefit from any technical assistance provided.

**Small Business Effect:** Potential meaningful.

## Analysis

**Bill Summary:** DPSCS must (1) cooperate with, assist, and provide technical assistance to qualified reentry service programs that provide specified services to ex-offenders; (2) provide grants to designated local reentry service programs from State funds dedicated for the program; and (3) develop procedures for a local reentry service program to apply for a grant in accordance with the bill's provisions. DPSCS must adopt regulations to carry out the bill's provisions.

### **Current Law:**

*Division of Correction:* Promptly after an inmate is sentenced to the jurisdiction of the Division of Correction (DOC) within DPSCS, DOC must assemble an adequate case record for the inmate that includes (1) a description, photograph, and family history of the inmate; (2) any previous record of the inmate; (3) a summary of the facts of each case for which the inmate is serving a sentence; (4) the results of a specified risk and needs assessment of the inmate; and (5) the results of a specified physical, mental, and educational examination of the inmate.

DOC must conduct a risk and needs assessment and a physical, mental, and educational examination of an inmate as soon as feasible after the individual is sentenced to the jurisdiction of DOC. Based on the information assembled for an inmate's case record, DOC must classify an inmate and develop a case plan to guide an inmate's rehabilitation while under the custody of DOC. The case plan developed must include:

- programming and treatment recommendations based on the results of the risk and needs assessment conducted;
- required conduct in accordance with the rules and policies of DOC; and
- a plan for the payment of restitution, not to supersede any payment plan established by the court, if restitution has been ordered.

The managing official of each correctional facility must maintain, as a part of an inmate's case record (1) an adequate record of the conduct, effort, and progress of the inmate during confinement and (2) a record of the character of any offense committed by the inmate and the nature and amount of punishment inflicted.

*Release Plans:* The Commissioner of Correction is required to adopt regulations (1) establishing a release plan for inmates upon release from confinement in a State correctional facility to help identify resources to assist inmates following release, including the provision of transportation from the facility for an inmate upon release and (2) implementing provisions concerning issuance of an identification card to inmates on

release from confinement in a State correctional facility. The Commissioner of Correction must issue an identification card to an inmate before release from confinement in a State correctional facility.

The Code of Maryland Regulations provides the following elements of a release plan:

- evidence must be furnished to the Maryland Parole Commission (MPC) that the prospective parolee will be legitimately employed following release; however, the employment requirement may be waived by MPC where circumstances warrant a waiver;
- assurance should be given that necessary aftercare will be available to parolees who are ill or who have any other demonstrated problems in which special treatment may be necessary;
- parolees must be allowed, in the discretion of MPC, to return to their homes, or to go elsewhere, upon such terms and conditions as MPC prescribes; and
- gradual release may be completed through a community-based treatment facility (*i.e.*, halfway house). (MPC may require such placement as a step in the release process.)

*Justice Reinvestment Oversight Board:* Chapter 515 of 2016 requires the Justice Reinvestment Oversight Board, in collaboration with DPSCS, to determine the annual savings from the implementation of the recommendations of the Justice Reinvestment Coordinating Council based on the difference between the prison population as measured on October 1, 2017, the baseline day, and the prison population as measured on October 1, 2018, the comparison day, and the variable cost of incarceration. If the prison population on the comparison day is less than the prison population on the baseline day, the board must determine a savings based on the difference in the prison population multiplied by the variable cost. The board must annually determine the difference between the prison population on October 1, 2017, and the prison population on October 1 of the current year and calculate any savings based on the difference in the prison population multiplied by the variable cost. If a prison population decline causes a correctional unit, wing, or facility to close, the board must conduct an assessment to determine the savings from the closure.

The board must recommend annually that the savings be distributed to implement specified programs and services, including implementing recidivism reduction programming, implementing reentry programs, and ensuring that the rights of crime victims are protected and enhanced, among other purposes. However, the Governor is not required to follow the board's recommendations. Thus, the Governor has significant discretion as to how to use the savings.

*State Assistance to Local Correctional Facilities:* The State provides assistance to the counties for locally sentenced inmates and for (1) inmates who are sentenced to and awaiting transfer to the State correctional system; (2) sentenced inmates confined in a local detention center between 12 and 18 months; and (3) inmates who have been sentenced to the custody of the State but are confined in or who receive reentry or other prerelease programming and services from a local facility. For each day that an inmate who has been sentenced to the jurisdiction of DOC has received reentry or other pre-release programming and services from a local correctional facility during the second preceding fiscal year, the State must provide each county a grant equal to at least \$45 per diem.

**Background:** The goal of the Office of Adult Education and Literacy Services in the Division of Workforce Development and Adult Learning within the Department of Labor, Licensing, and Regulation (DLLR) is to ensure that Maryland adults have access to basic skills instruction to enable them to be effective workers, family members, partners in children's education, and citizens. The Office of Correctional Education in the division has similar goals but serves adults who are incarcerated. The office provides educational opportunities to more than 9,000 inmates with services offered at each Division of Correction facility, the Patuxent Institution, and all prerelease units.

**State Expenditures:** *Under one set of assumptions,* general fund expenditures increase by at least \$5,546,586 in fiscal 2020, which accounts for the bill's October 1, 2019 effective date and assumes that DPSCS establishes the Offender Rehabilitation and Reentry Program at that time, even though the bill only requires that the program be established by January 1, 2020. This estimate reflects the cost of hiring 97 employees within DPSCS, which includes 73 staff within DOC to develop and expand reentry programming, as discussed below. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- The Division of Parole and Probation (DPP) is responsible for the supervision of individuals in the community who have been sentenced to probation by the courts, released from DOC on mandatory supervision, and paroled from incarceration to the community by MPC. Agents and monitors who are responsible for supervising such individuals are required to (1) administer a validated screening tool on each individual under supervision; (2) administer a risk and needs assessment and develop an individualized case plan for each individual under supervision who has been screened as moderate or high risk to reoffend; (3) perform field contacts for each individual under supervision to verify residence; (4) supervise each individual consistent with the results of the risk and needs assessment and the conditions imposed by the courts and/or MPC on the individual; (5) determine whether the individual is complying with the conditions of probation, parole, or mandatory supervision; (6) regularly inform the courts and/or MPC of the individual's progress

and compliance with the terms of supervision; and (7) testify in court or before MPC, as required. DPP currently supervises approximately 7,840 individuals on parole and mandatory release supervision around the State and advises that there are approximately 150 reentry employment services in the State. In order to implement the bill, DPP needs to establish a reentry unit in each of the four regional offices in the State to cooperate with and assist qualified reentry service programs and grant administration. The reentry unit needs a total of 12 administrators (3 per region), 3 supervisory administrators, and 4 office secretaries;

- DPSCS and DLLR provide several programs and services to inmates that meet the intent of the bill; however, every program is not offered at every correctional facility. Assuming the bill requires DOC to expand its programming to provide additional reentry services, DOC needs 5 administrative officers, 48 correctional case management counselors, 5 social workers, 5 mental health professionals, and 10 counselors to coordinate resources and to develop and expand programming in all correctional facilities; and
- DPSCS needs 5 case management specialist within the Reentry and Transition Services Unit to provide technical assistance to qualified reentry service programs.

Positions	97
Salaries and Fringe Benefits	\$5,026,787
Operating Expenses	<u>519,799</u>
<b>Total FY 2020 DPSCS Expenditures</b>	<b>\$5,546,586</b>

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses. Future year expenditures also reflect the bill’s mandated appropriation of \$250,000 annually. Because the bill requires DPSCS to provide grants to designated local reentry service programs “from State funds dedicated for the Offender Rehabilitation and Reentry Program,” it is assumed that the mandated funding is used to provide grants to designated local reentry service programs.

As noted above, much of the estimated cost is based on the assumption that DOC needs to develop and expand reentry programming within State correctional facilities. To the extent this is not the case, costs are significantly less.

The current agreement between DPSCS and DLLR regarding educational services likely needs to be modified as a result of the bill; however, without actual experience under the bill, any associated costs cannot be determined and are not reflected in this analysis.

**Local Fiscal Effect:** Local revenues and expenditures increase for local governments that successfully apply for and receive grants under the bill. Local government agencies may also benefit from any technical assistance provided to qualified reentry service programs.

**Small Business Effect:** Small businesses that are able to secure funding to provide reentry programming may be able to expand as a result of the bill. The extent to which small businesses provide reentry service programs is unknown.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Prince George's County; Maryland Association of Counties; cities of Bowie and Takoma Park; Maryland Municipal League; Comptroller's Office; Governor's Office of Crime Control and Prevention; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Department of Budget and Management; Maryland Department of Health; Department of Labor, Licensing, and Regulation; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

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