

Department of Legislative Services

Maryland General Assembly

2019 Session

FISCAL AND POLICY NOTE

First Reader

Senate Bill 618

(Senators Carter and Hayes)

Judicial Proceedings

Correctional Services - State Legislators - Access to Correctional Facilities

This bill establishes that a member of the General Assembly must be allowed access to any State or local correctional facility without providing advance notice.

Fiscal Summary

State Effect: Potential operational impact on the Department of Public Safety and Correctional Services (DPSCS), as discussed below; however, State finances are not materially affected.

Local Effect: Potential minimal impact on local correctional facilities. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: There are no statutory provisions governing access to State or local correctional facilities by members of the General Assembly. Under the Code of Maryland Regulations, the Commissioner of Corrections is required to consider the following when establishing procedures for inmate visitations: institutional schedule, visiting space, security considerations, staff requirements, and an inmate's institutional status. In addition, the commissioner must include provisions to ensure that each visit conforms with custody requirements and that appropriate health or mental health personnel approval is obtained to confirm that the inmate is medically or mentally able to conduct a visit.

At least once each year, the grand jury in each county must (1) visit each local correctional facility in the county; (2) inquire into the condition of the correctional facility, the manner in which it is maintained, and the treatment of inmates; and (3) report its findings to the circuit court of the county.

In addition, at least once each year, the circuit court of each county must charge its grand jury to (1) inquire into the operation and management of each State correctional facility located in the county and (2) present a report of all offenses and omissions of any individual in or that relate to a State correctional facility.

State Effect: The bill may have an operational impact on DPSCS depending on the extent of the tours desired by members of the General Assembly, as well as the times of day and days of the week of such tours. DPSCS advises that all visitors are required to have advance approval before gaining entrance to a State correctional facility. Allowing access without advance notice may result in a facility being placed on modified lockdown, which could negatively affect the safety and security of the facility. DPSCS reports that activities such as food service, medical services, recreation, religious services, educational classes, and inmate visits may need to be rescheduled, canceled, or both. In addition, correctional staff would be diverted from scheduled assignments to provide escort services to members of the General Assembly wishing to tour a facility, resulting in potentially significant safety and security concerns for the facility.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, and Montgomery counties; Maryland Association of Counties; Department of Public Safety and Correctional Services; Department of Legislative Services

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