

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1275  
Judiciary

(Delegate Corderman, *et al.*)

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Correctional Services - Inmate Release (Suzanne Jones Act)

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This bill requires the Division of Correction (DOC), after an inmate is released from confinement in a State correctional facility, to transport the inmate from the correctional facility to the jurisdiction of the inmate's (1) address that is listed on a REAL ID Act compliant identification (ID) card or driver's license; (2) address that was recorded by the correctional facility at the time the inmate entered the correctional facility; or (3) last known residence before incarceration, as determined by the decennial census. The Division of Parole and Probation (DPP) must supervise any required probation, parole, or mandatory supervision of the inmate in that jurisdiction.

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Fiscal Summary

**State Effect:** State finances are not materially affected; however, the bill has an operational impact on DOC, as discussed below.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:**

*Release Plans:* The Commissioner of Correction must 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 ID card to inmates on release from confinement in a State correctional facility. The Commissioner of Correction must issue an ID card to an inmate before release from confinement in a State correctional facility.

The Code of Maryland Regulations (COMAR) specifies that, when feasible, a parole release plan must be completed before a parole hearing. A release plan must include the name of the parolee's employer or evidence of other legitimate means of financial support, the location at which the parolee will reside, and the nature of any community services necessary to meet the special needs of the parolee. In addition, COMAR specifies 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.)

The status of any detainers lodged against an inmate will be investigated so far as reasonably possible, before the parole hearing, and the Office of Public Defender must be notified and encouraged to assist the inmate in the disposition of the detainer. MPC may parole an inmate to meet detainers if the inmate is considered in other respects to meet the required parole criteria. MPC will cooperate in making arrangements for concurrent supervision with other jurisdictions when it is feasible and when release on parole appears justified.

MPC must cooperate in making arrangements for concurrent supervision with other jurisdictions when it is feasible and when release on parole appears justified.

*REAL ID Act:* On May 11, 2005, President George W. Bush signed into law the federal REAL ID Act, which requires federal agencies to accept only personal ID cards that meet certain standards. The U.S. Department of Homeland Security issued final regulations in January 2008. Pursuant to the regulations, the Motor Vehicle Administration must verify the identity and lawful status of each applicant for a driver's license or ID card. Once fully enforced, driver's licenses and ID cards issued by states that are not in compliance with

REAL ID standards will not be recognized for federal purposes, including accessing a federal facility and boarding a federally regulated commercial aircraft.

**Background:** The Department of Public Safety and Correctional Services (DPSCS) advises that in fiscal 2019, the department released approximately 5,485 individuals from incarceration back into the community. Approximately 4,100 returned to the community under some form of community supervision.

**State Fiscal Effect:** DOC advises that the bill's requirements conflict with best practices related to reentry. Although the bill does not materially affect State finances, the bill has operational impacts on DOC.

DPSCS advises that it does not have any access to residence information provided to the U.S. Census Bureau, as that information is confidential under Title 13 of the U.S. Code, and any disclosure of individually identifying information is prohibited.

DPSCS further reports that it has a limited number of release hubs and that it does not operate facilities in each county of the State, making the bill's requirements difficult or impossible to implement. In addition, DPSCS advises that requiring supervision in areas other than the county of residence may increase the number of technical violations and/or have an adverse effect on recidivism.

There are three primary ways for an inmate to be released from confinement: parole, mandatory supervision release, and expiration of sentence.

*Parole:* An inmate who is paroled must provide a "home plan" to the inmate's case manager, which is then investigated and approved by DPP prior to the parolee's release. Currently, the inmate is transferred to the hub closest to *the inmate's intended residency* prior to release. Under the bill, DOC would be required to transport an inmate to the jurisdiction where the inmate was domiciled immediately prior to the inmate's confinement, regardless of the inmate's *intended residency*.

*Mandatory supervision release:* Case management works with such inmates to identify a "home plan" prior to release. In return, the case manager provides the inmate information regarding which DPP office the inmate should report to upon release. Similar to an inmate released on parole, the inmate is transferred to the hub closest to the *inmate's intended residency*.

*Expiration of sentence:* These inmates are released after having served their entire court-ordered sentence. The majority of such inmates will not be completing the terms of their sentence under supervision, so they are under no obligation to report the location of their intended residency prior to release. Such inmates could inform case management and

be transferred to the hub closest to their intended residency prior to release; however, they typically do not and are released from the hub closest to the correctional facility in which they are confined.

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### **Additional Information**

**Prior Introductions:** HB 928 of 2019, a similar bill, received a hearing in the House Judiciary Committee, but no further action was taken.

**Designated Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services;  
Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2020  
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Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:

(410) 946-5510

(301) 970-5510