

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1233 (Delegate Feldmark)
 Judiciary

Correctional Services - Inmates - Intake and Release Requirements (Reentry Success Act of 2021)

This bill requires the Division of Correction (DOC) to (1) provide screening for and access to specified private mediation; (2) provide specified forms to and work with an inmate to ensure the availability of specified documents and benefits at the time of an inmate’s release from confinement; and (3) provide specified public transportation passes and medication at the time of release. The Commissioner of Correction must adopt regulations to carry out the bill’s requirements.

Fiscal Summary

State Effect: General fund expenditures increase by *at least* \$1.3 million in FY 2022; future years reflect annualization and ongoing costs. This estimate only reflects costs for additional staffing; other increases in general fund expenditures are discussed below. Transportation Trust Fund (TTF) revenues and expenditures increase, as discussed below.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
SF Revenue	-	-	-	-	-
GF Expenditure	\$1,251,200	\$1,469,100	\$1,513,300	\$1,567,600	\$1,623,500
SF Expenditure	-	-	-	-	-
Net Effect	(\$1,251,200)	(\$1,469,100)	(\$1,513,300)	(\$1,567,600)	(\$1,623,500)

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

Local Effect: The bill is not anticipated to materially affect local operations or finances; however, local finances could be affected if DOC purchases local transit passes as a result of the bill.

Small Business Effect: None.

Analysis

Bill Summary: For an inmate sentenced to incarceration at a State correctional facility for greater than one year, DOC must, one year before the inmate's anticipated release, provide screening for and access to private mediation between the inmate and an individual identified by the inmate as essential for the inmate's successful reentry into society. The mediation must be facilitated by a specified mediator. DOC staff may visually observe mediation, but may not be present in the room or aurally monitor the mediation.

Six months before the anticipated release from confinement of an inmate, DOC must provide the appropriate forms to and work with an inmate to ensure that, at the time of release from confinement, an inmate has access to a photo identification card issued by the Motor Vehicle Administration (MVA) or a driver's license, Food Supplement Program benefits for inmates who qualify, and any Medicaid benefits for inmates who qualify.

At the time of release, DOC must provide an inmate with public transportation passes for 90 days of travel and a one-month supply of any medication prescribed to the inmate.

Current Law: The Commissioner of Correction must issue an ID card to an inmate before release from confinement in a State correctional facility. The ID card must meet the requirements for secondary identification for the purpose of an ID card issued by MVA under § 12-301 of the Transportation Article. In addition, pursuant to Chapter 514 of 2020, the Commissioner of Correction must obtain an inmate's birth certificate and Social Security card after taking custody of an inmate (unless the inmate does not consent).

Identification Cards

On application, MVA must issue an ID card to any applicant who:

- is a resident of the State;
- does not have a driver's license;
- presents a birth certificate or other acceptable proof of age and identity;
- provides satisfactory documentary evidence that the applicant has lawful status;
- provides satisfactory documentary evidence that (1) the applicant has a valid Social Security number by presenting the Social Security card (or specified documents if the card is not available) or (2) the applicant is not eligible for a Social Security number; and
- presents a completed application for an ID card on the appropriate form.

The fee for an ID card is \$15 for an applicant younger than age 18 and \$24 for an applicant age 18 or older. An ID card for an individual experiencing homelessness is \$1. A duplicate

or correction ID card is \$20. MVA is not required to charge a fee in specified circumstances.

An ID card must be of the size and design MVA requires and tamperproof, to the extent possible. The card must contain the following information:

- the name, address, birth date, sex, and description of the applicant;
- a color photograph taken by the appropriate procedure required by MVA;
- the expiration date of the ID card;
- the applicant's signature; and
- the signature and seal of the issuing agent.

An ID card may be used as legal identification of the individual to whom it is issued for any purpose.

An ID card issued to an applicant who is age 18 or older is valid for eight years; for an applicant younger than age 18, the ID card is valid for five years. An ID card must be surrendered by the holder upon being issued a Maryland driver's license.

Existing Department of Public Safety and Correctional Services/Motor Vehicle Administration Program

The Department of Public Safety and Correctional Services (DPSCS) advises that, since 2012, it has had a partnership with MVA to provide ID cards to inmates prior to and after release. DPSCS further advises that, under the current partnership with MVA, its staff takes necessary photographs for ID cards and uploads them to MVA. Once the photo is uploaded, the necessary application packet is transported by facility staff to the local MVA office for processing. DPSCS staff returns to the MVA office the following week and retrieves the ID cards. DPSCS notes that inmates may also obtain an MVA ID card (at a cost of \$2) within 60 days after their release by going directly to a local MVA branch; they must show their release ID card, release paperwork, proof of residence, Social Security card, and birth certificate.

Not all prisoners set for release are eligible for MVA ID cards. For example, ID cards are not provided to inmates who do not plan to reside in the State, to inmates with an outstanding detainer, if an inmate refuses, or if DPSCS does not receive the inmate's birth certificate or Social Security card. DPSCS is unable to quantify the exact number of prisoners released each year who are excluded from the MVA ID card program.

In fiscal 2020, approximately 5,000 individuals were released from State correctional facilities.

Mental Illness Medications

DPSCS must provide an inmate who has been sentenced to an incarceration term with DOC and who has been diagnosed with a mental illness with access to a 30-day supply of medication for the mental illness upon release of the inmate.

A 30-day supply of a mental health medication may only be provided if the treating physician determines that the released inmate’s possession of the medication in the prescribed quantity is in the inmate’s best interest and will not constitute a danger to the inmate. Immunity from liability is granted for all employees or agents of DPSCS or a local correctional facility, including a physician or corporate entity providing medical services to inmates, for the issuance or prescription of medication to an inmate upon the inmate’s release. This immunity applies notwithstanding that the released inmate is no longer under the care or supervision of the prescribing physician and may be without medical supervision for the period for which the medication has been administered.

State Fiscal Effect: General fund expenditures increase by *at least* \$1.3 million in fiscal 2022; future year expenditures reflect annualization and ongoing costs. TTF revenues and expenditures increase, as discussed below.

Staffing

General fund expenditures for DPSCS increase by \$1,251,219 in fiscal 2022, which accounts for the bill’s October 1, 2021 effective date. This estimate reflects the cost of hiring 19 social workers to work with inmates throughout State correctional facilities to obtain the required documents and benefits under the bill. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	19
Salaries and Fringe Benefits	\$1,145,175
Operating Expenses	<u>106,044</u>
FY 2022 DPSCS Staffing Expenditures	\$1,251,219

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

Additional effects on DPSCS – that cannot be reliably quantified at this time – are discussed below.

Public Transportation Passes

DPSCS may choose various transit options for the required transportation passes under the bill depending on where the inmate is released from or planning to live (for example, local transit system passes, Maryland Transit Administration (MTA), or Washington Metropolitan Area Transit Authority (WMATA) transit passes). The information below illustrates examples of the potential costs incurred for specified MTA and WMATA transit passes but does not reflect the full range of options.

MTA Transit Passes: Monthly MTA passes that provide unlimited travel on buses, Light Rail, Metro Subway, and Baltimore Neighborhood Shuttles (not including Maryland Area Regional Commuter service, commuter bus service, or Express BusLink service) cost \$74 for 31 days. Thus, the cost for three monthly passes to meet the bill's 90-day requirement is \$222. However, MTA transit passes generally only work in the Baltimore area. According to DPSCS, approximately 5,000 inmates were released from State correctional facilities in fiscal 2020. Of that number, approximately, 2,000 returned to the Baltimore City area. *For illustrative purposes only*, assuming DPSCS purchases the passes at face value, if 2,000 inmates receive MTA transit passes prior to their release each year (assuming a cost of \$222 per 90-day pass), DPSCS general fund expenditures increase by approximately \$444,000 annually to purchase the passes from MTA. TTF revenues increase correspondingly, assuming that none of these inmates would have otherwise purchased such a transit pass.

WMATA SmarTrip: Bus passes on WMATA's system are issued on a weekly basis. To meet the bill's 90-day requirement, DPSCS needs to purchase a SmarTrip card (\$10.00 per card) that is preloaded with approximately \$195. The cost for a SmarTrip card that allows for bus and rail travel depends on the time of day and route used; therefore, an estimate for a 90-day period is not possible. According to DPSCS, approximately 500 inmates returned to the Montgomery County and Prince George's County areas in fiscal 2020. *For illustrative purposes only*, assuming DPSCS purchases the passes at face value, if 500 inmates receive WMATA bus passes prior to their release each year (assuming a cost of \$205 per 90-day SmarTrip), DPSCS general fund expenditures increase by approximately \$102,500 annually to purchase the passes from WMATA.

Other Effects

This analysis does not include any costs for mediation or medications required under the bill, as such costs cannot be reliably estimated at this time.

DPSCS can adopt required regulations with existing budgeted resources.

MVA can handle the bill's requirements with existing budgeted resources.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Montgomery and Prince George's counties; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Human Services; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

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