

**Maryland General Assembly
Department of Legislative Services**

**Emergency/Proposed Regulations
Department of Public Safety and Correctional Services
(DLS Control No. 16-129)**

Overview and Legal and Fiscal Impact

These regulations modify procedures for mailing personal correspondence to an inmate housed at a Department of Public Safety and Correctional Services correctional and detention facility in order to curb the rising issues concerning introduction of Suboxone through mail sent to inmates.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Public Safety and Correctional Services:

Division of Correction: Inmate Mail: COMAR 12.02.20.01-.08

Legal Analysis

Background

Suboxone is a drug used to treat opioid addiction. Aside from its prescribed use, Suboxone has become a highly sought-after drug of abuse. Abuse of Suboxone has become a particular problem in correctional facilities because the drug typically comes in sublingual strip form, which can be easily smuggled in. Suboxone can also be smuggled by crushing tablets of the drug into a paste and spreading it over children's artwork or under stamps.

In calendar year 2015, a total of 3,685 "hits" of Suboxone were recovered in department facilities. 1,615 of these hits (44%) were found in inmate mail. From December 31, 2015 to April 27, 2016, 1,686 hits of Suboxone were recovered with 592 hits (35%) found in inmate mail. The remaining recoveries were made throughout four other areas of the correctional facilities; housing, common areas, grounds, and visiting areas. A comparison of 2015 and 2016 data shows that Suboxone recoveries are on the rise with inmate mail continuing as the method of choice for introduction into a facility.

Summary of Regulations

The regulations specify that a postcard is the only form of personal correspondence that may be delivered to an inmate. The regulations set forth requirements for a permissible postcard

and prescribe procedures for the handling of postcards for delivery to an inmate. The regulations also contain specifications and procedures relating to delivery of photographs and money orders to inmates.

The regulations expand the definition of “legal mail” but leave procedures relating to legal mail largely unchanged.

The regulations also make stylistic, technical, and other minor changes.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites § 2-109(c) of the Correctional Services Article as statutory authority for the regulations. This provision authorizes the Secretary of Public Safety and Correctional Services to adopt regulations to govern the policies and management of correctional facilities in the department.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Emergency Status

The department requests emergency status beginning July 15, 2016 and expiring December 31, 2016. This emergency period is within the normal time frames approved by the Joint Committee on Administrative, Executive, and Legislative Review. The department indicates the emergency status is necessary to implement measures to reduce the influx of Suboxone into correctional facilities to protect inmates.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations require no additional resources to implement or maintain; therefore, there is no fiscal impact. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Claire E. Rossmark – (410) 946/(301) 970-5350

Fiscal Analysis: Shirleen M. Pilgrim – (410) 946/(301) 970-5510