

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 720 (Senator Benson)
 Judicial Proceedings

Correctional Services - Formerly Incarcerated Individuals and Individuals on Probation - Re-Entry Services

This bill requires the Division of Correction (DOC) to establish a program, administered in a facility located in Prince George’s County, that provides formerly incarcerated individuals and individuals on probation with (1) assistance obtaining vital documents; (2) assistance obtaining State identification; (3) information regarding housing; (4) assistance in obtaining transportation; (5) information regarding health care; (6) legal assistance, including legal assistance related to child support; (7) anger management counseling; (8) mental health services; (9) substance abuse counseling and prevention services; (10) employment assistance; and (11) financial literacy courses and training. For fiscal 2026 and each fiscal year thereafter, the Governor must include in the annual budget bill an appropriation of \$3.0 million for the program. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: General fund expenditures increase by \$508,600 in FY 2025 for DOC to begin establishing the program; future years reflect the mandated appropriation. Revenues are not affected. **This bill establishes a mandated appropriation beginning in FY 2026.**

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	508,600	3,000,000	3,000,000	3,000,000	3,000,000
Net Effect	(\$508,600)	(\$3,000,000)	(\$3,000,000)	(\$3,000,000)	(\$3,000,000)

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

Local Effect: The extent to which local government finances are affected is unclear. Prince George’s County may benefit to the extent that, under the bill, DOC provides services that would otherwise be provided by the county.

Small Business Effect: Potential meaningful.

Analysis

Current Law:

Release from Division of Correction

The Commissioner of Correction must adopt regulations (1) establishing a release plan for incarcerated individuals upon release from confinement in a State correctional facility to help identify resources to assist incarcerated individuals following release, including the provision of transportation from the facility for an incarcerated individual upon release and (2) implementing provisions concerning issuance of an identification (ID) card to incarcerated individuals on release from confinement in a State correctional facility. The Commissioner of Correction must issue an ID card to an incarcerated individual before release from confinement in a State correctional facility. In addition, the Commissioner of Correction must obtain an incarcerated individual's birth certificate and Social Security card after taking custody of an incarcerated individual (unless the incarcerated individual does not consent); if such documents are obtained, they are provided to the incarcerated individual at release.

Current regulations specify 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, current regulations specify 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 incarcerated individual 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 incarcerated individual in the disposition of the detainer. MPC may parole an incarcerated individual to meet detainers if the incarcerated individual 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.

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Performance Incentive Grant Fund

The Performance Incentive Grant Fund within the Governor's Office of Crime Prevention and Policy is intended to make use of the savings from the implementation of Chapter 515 of 2016, the Justice Reinvestment Act, to provide grants for specified programs and services, including providing for pretrial risk assessments, services to reduce pretrial detention, diversion programs, specialty courts, reentry programs, and ensuring that the rights of crime victims are protected and enhanced. Money expended from the fund for programs to reduce recidivism and control correctional costs is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for such purposes. The fiscal 2025 budget as introduced includes \$13.1 million for the fund.

State Fiscal Effect:

Mandated Appropriation

General fund expenditures increase by \$3.0 million annually beginning in fiscal 2026 due to the mandated appropriation for the program. Amounts not needed to cover administrative costs, as discussed below, are assumed to be spent to provide the services required under the bill.

Division of Correction – Administrative Expenditures

Generally, DOC is responsible for overseeing the care of incarcerated individuals in the 18 State correctional facilities located around the State; however, the division does not currently own or operate a facility in Prince George's County. Counties receive a \$45 per day grant for incarcerated individuals 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. In addition, the Division of Parole and Probation, not DOC, generally oversees *formerly* incarcerated individuals on parole and individuals on probation. Thus, in order for DOC to meet the bill's requirements, general fund expenditures increase by \$508,570 in fiscal 2025, which accounts for a six-month start-up delay from the bill's July 1, 2024 effective date. This estimate reflects the cost of hiring

one program manager, one staff attorney, one office secretary, three administrative officers, two mental health counselors, and one mental health counselor supervisor to establish and operate the program in a facility located in Prince George’s County. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses (including rental space for the program). Even though the bill’s mandated appropriation does not begin until fiscal 2026, this analysis assumes that the staff are hired in mid-fiscal 2025 to (1) develop guidelines, standards, and procedures to operate the program and (2) establish agreements with local service providers to meet the requirements of the program.

Positions	9.0
Salaries and Fringe Benefits	\$432,331
Rental Space	13,365
Other Operating Expenses	<u>62,874</u>
Total FY 2025 DOC Admin. Expenditures	\$508,570

Future year administrative expenditures – which range from \$874,609 in fiscal 2026 to \$992,390 in fiscal 2029 – reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

Because the bill states that the mandated appropriation is to be used for the program, this analysis assumes that beginning in fiscal 2026, such administrative expenditures are covered by the mandated appropriation.

Other State Agencies

DOC currently has an agreement with (1) the Motor Vehicle Administration (MVA) to provide ID cards to incarcerated individuals before release and (2) the Maryland Department of Health (MDH) to obtain the birth certificate of incarcerated individuals; thus, MVA and MDH can work with DOC as needed using existing resources. The Department of Housing and Community Development can also work with DOC as needed using existing budgeted resources.

Small Business Effect: There may be a meaningful positive impact on small businesses in Prince George’s County to the extent DOC contracts with small businesses to meet any of the required services.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 61 (Delegates Taveras and Taylor) - Judiciary.

Information Source(s): Prince George's County; Department of Budget and Management; Maryland Department of Health; Department of Housing and Community Development; Department of Human Services; Maryland Department of Labor; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

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