

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 251

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Public Safety and Correctional Services)

Judicial Proceedings

Judiciary

Correctional Services - Division of Pretrial Detention and Services - Facilities

This departmental bill updates obsolete references to facilities and positions within the Division of Pretrial Detention and Services (DPDS). Specifically, the bill repeals references to the Baltimore City Detention Center (BCDC) and its warden and adds references to (1) the Youth Detention Center (YDC) and its facility administrators; (2) the centralized booking facility; (3) the Maryland Transition Center; and (4) the Chesapeake Detention Center. The bill further specifies that YDC is a pretrial detention facility for juvenile incarcerated individuals younger than age 18 who have been charged with a crime as an adult in Baltimore City.

Fiscal Summary

State Effect: None. The bill's changes are technical in nature and reflect current practice.

Local Effect: None.

Small Business Effect: The Department of Public Safety and Correctional Services (DPSCS) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: In statute, DPDS consists of a Pretrial Release Services Program, BCDC, and a centralized booking facility for Baltimore City. DPDS has the same authority with regard to the custody of its inmates and the operation of BCDC as the Division of Correction (DOC) has under statute with regard to the custody of its incarcerated

individuals and the operation of DOC and the sheriffs have under statute with regard to the detention of incarcerated individuals committed to their custody and the operation of local correctional facilities.

The Commission of Pretrial Detention and Services may enter agreements with the Commissioner of Correction and governmental units for the housing of any incarcerated individual held in BCDC and may enter agreements for the housing of any incarcerated individual committed to federal or local governmental units in BCDC.

BCDC is a pretrial detention facility for incarcerated individuals committed or transferred to the custody of the commissioner. The Secretary of Public Safety and Correctional Services may authorize the housing in BCDC of any incarcerated individual held in custody under any unit in DPSCS. With the approval of the Secretary, the commissioner must appoint a warden of BCDC. The warden serves at the pleasure of the commissioner. Subject to the authority of the commissioner and the Secretary, the warden is in charge of BCDC. The commissioner may also appoint assistant wardens, who serve at the pleasure of the commissioner, for BCDC, as provided in the State budget. Subject to the authority of the commissioner and the Secretary, in the absence of the warden, an assistant warden designated by the warden is in charge of BCDC.

The centralized booking facility or BCDC must be equipped for video bail review.

With specified exceptions, an incarcerated individual in BCDC who is sick, injured, or disabled must reimburse the State, as appropriate, for the payment of medical expenses and provide the warden with specified information relating to benefits. On the recommendation of a healthcare provider, the warden of BCDC and the warden's designees may authorize medical treatment of a juvenile incarcerated individual when in the judgment of the warden or a designee the treatment is required and a parent, guardian, or person *in loco parentis* of the juvenile is not available on a timely basis to give the authorization. The warden or the warden's designees may not be held liable for authorizing medical treatment under these provisions in good faith.

Background: DPDS is located in Baltimore City and the facilities within DPDS primarily house individuals awaiting trial. BCDC was closed in 2015 and in 2019, DPSCS began the demolition of it and 39 other structures at the complex in Baltimore City. Demolition was completed in 2021.

In 2017, YDC opened and houses male and female youth younger than age 18 who have been charged in Baltimore City as adults and are either awaiting trial or are beginning to serve sentences. YDC is not reflected in statute.

Currently, DPDS consists of the Baltimore Central Booking and Intake Center, the Chesapeake Detention Facility, the Metropolitan Transition Center, and YDC. According to DPSCS, the bill alters statute to reflect the current facilities within DPDS.

Additional Information

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

Designated Cross File: HB 222 (Chair, Judiciary Committee)(By Request - Departmental - Public Safety and Correctional Services) - Judiciary.

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

Fiscal Note History: First Reader - February 1, 2024
js/lgc Third Reader - February 21, 2024

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Correctional Services - Division of Pretrial Detention and Services -
Facilities

BILL NUMBER: SB0251

PREPARED BY: Jennifer Beskid

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS