

Department of Legislative Services  
 Maryland General Assembly

FISCAL NOTE

House Bill 193 (Delegate Comeau. *et al.*)

Judiciary

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**Criminal Procedure - Probation Before Judgment - Confinement**

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This bill authorizes a court to impose a sentence of confinement as a condition of probation before judgment statewide. Under current law, this authorization is limited to Charles, St. Mary's, and Calvert counties.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund expenditures. No effect on general fund revenues.

**Local Effect:** Potential minimal increase in expenditures. No effect on revenues.

**Small Business Effect:** None.

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**Fiscal Analysis**

**State Expenditures:** It is assumed that any additional confinements resulting from this bill, as a condition of probation before judgment, would be less than one year. Persons serving a sentence of one year or less are sentenced to a local detention facility.

The State reimburses counties for part of their per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 1999 are estimated to range from \$12 to \$42 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a Division of Correction (DOC) facility, with an average monthly cost estimated at \$1,500 for fiscal 1999. [The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1999 is estimated at \$43 per inmate.]

Accordingly, general fund expenditures could increase as a result of additional confinements at local detention centers and increased payments to counties for reimbursement of inmate

costs, depending on the number of times such a sentence of confinement is imposed. However, the number of additional confinements resulting from this bill is assumed to be minimal.

There is some indeterminate potential for a more significant fiscal impact if this authorization were to be more widely used in the larger jurisdictions. For instance, during fiscal 1997 the District Court for Baltimore City granted probation before judgment in 3,938 cases.

**Local Effect:** Expenditures could increase as a result of additional confinements depending upon the number of convictions and sentences imposed. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$23 to \$83 per inmate in fiscal 1999.

A limited survey of local jurisdictions suggests that any potential impact on local detention center costs would be minimal. Prince George's County advises that this authorization would seldom be used. Garrett County advises that it merely simplifies an existing practice. Kent County advises that this authorization could, at most, lead to an additional five instances of additional confinement. The potential for a more significant fiscal impact in the larger jurisdictions, as mentioned above, cannot be reliably predicted without any actual experience in those jurisdictions.

Any additional revenue stemming from inmates being required to pay local jail costs is also assumed to be minimal.

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**Information Source(s):** Judiciary (Administrative Office of the Courts), Prince George's County, Worcester County, Kent County, Washington County, Montgomery County, Baltimore City Detention Center, Department of Legislative Services

**Fiscal Note History:** First Reader - February 9, 1998  
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