

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 265 (Garrett County and Allegany County Delegations)

Judiciary

**Allegany and Garrett Counties - Confinement as Condition of
Probation Before Judgment**

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

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.

Fiscal Analysis

State Expenditures: It is assumed that any additional confinements in Allegany and Garrett counties 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 the local detention centers in Allegany and Garrett counties and increased payments to those 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. The State's Attorney for Garrett County advises that the bill merely simplifies an existing practice.

Local Expenditures: 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 approximately \$43 in Allegany County and \$50 in Garrett County per inmate in fiscal 1999.

Information Source(s): Judiciary (Administrative Office of the Courts), Prince George's County, Allegany County, Garrett County, Department of Legislative Services

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