

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 1135 (Delegate Hubbard. *et al.*)

Judiciary

Criminal Procedure - Private Home Detention

This bill prohibits a court from placing a person in a private home detention monitoring program unless the court has reviewed the criminal history of the person and a representative of the monitoring agency that will monitor the person has appeared before the court. The bill requires the court to set the terms and conditions of monitoring for a person placed in a private home detention monitoring program and requires the monitoring agency to perform specified duties.

The bill delineates the circumstances under which persons in a monitoring program may leave their dwelling. The bill also provides that persons in a private home detention monitoring program as a result of probation are not subject to certain provisions relating to escape, leaving custody, the use of alcohol or controlled dangerous substances, and voluntary intoxication as a defense.

Fiscal Summary

State Effect: Minimal. While this bill would necessitate some changes in current regulations by the Department of Public Safety and Correctional Services (DPSCS), these changes could be accommodated with the agency's existing budgeted resources. The bill's requirements for the Judiciary could be accommodated with existing budgeted resources.

Local Effect: Minimal. The bill's requirements for the Judiciary could be accommodated with existing budgeted resources.

Small Business Effect: Potential meaningful. The bill's changes, and subsequent changes to regulations governing the private home detention industry, may lead to lower costs, fewer staff, and better overall efficiencies for small businesses in this industry. The magnitude of such improvements cannot be reliably predicted.

Analysis

Current Law: Since 1999, DPSCS has regulated private home detention companies for both postconviction and pretrial release detainees via a licensing program operated by the Maryland Commission on Correctional Standards (MCCS). An individual who seeks to operate a private home detention monitoring service or who seeks to be employed as a private home detention monitor must first apply to the Criminal Justice Information System Central Repository of DPSCS for a State and national criminal history records check. State courts may require that the defendant be monitored by a private home detention monitoring agency as a condition of a defendant's pretrial release.

Background: Home detention is a type of confinement that is used for persons in pretrial status as well as those who have been convicted of a crime. It allows the person to continue to live in the person's residence and to continue to work, but is designed to provide supervision over the person's activities. Electronic monitoring, usually by way of an anklet, is designed to ensure that the person is at home when not working. Monitoring is also usually done either in person or over the telephone. Private home detention companies are nongovernmental entities providing detention and monitoring services.

According to MCCS, current regulations include requirements for continuously signaling equipment, the filing of monthly reports to MCCS, the reporting of curfew violations within 24 hours, and mandating company employees to undergo criminal background checks and proper training.

Currently, there are seven licensed companies monitoring approximately 325 offenders. Two companies operate in Prince George's County, one in Montgomery County, two in Baltimore County, and two in Baltimore City. Each has remitted a licensing fee of \$500, and has provided proof of liability insurance and bond, as well as other required documentation.

MCCS has also developed the protocol for enforcement of procedures and regulations and conducting investigations. The protocol includes two site visits to each company to audit the policies and procedures for compliance and to review each company's practices to determine compliance. In between audits, a company is subject to investigation should a complaint be filed against it. In October 1999, the commission began routine audits of the activity of

companies for compliance. The Governor's proposed budget for fiscal 2001 includes \$416,056 for this program.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Maryland Commission on Correctional Standards), Office of the Public Defender, Department of Legislative Services

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