

Department of Legislative Services
 Maryland General Assembly
 2000 Session

FISCAL NOTE

Senate Bill 766 (Senator McCabe)

Judicial Proceedings

Criminal Procedure - Corrections Options Pilot Program

This bill requires the establishment of a Corrections Options Pilot Program in the Division of Parole and Probation for Baltimore City and Howard, Prince George's, and Somerset counties in order to expand existing, and develop new, corrections options programs throughout the State.

Fiscal Summary

State Effect: General fund administrative and operations expenditures would increase by \$125,200 in FY 2001 for the Division of Parole and Probation. Out-year costs reflect annualization and inflation, but do not reflect any costs that may arise in connection with a "Corrections Options Authority."

(in dollars)	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
GF Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditures	108,000	128,000	129,300	32,700	0
Net Effect	(\$108,000)	(\$128,000)	(\$129,300)	(\$32,700)	\$0

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

Local Effect: This bill could provide, or lead to, additional costs and/or savings for the four participating jurisdictions depending on the recommendations and workings of each individual planning council, and the extent to which alternatives to incarceration are already being employed in each jurisdiction.

Small Business Effect: None.

Analysis

Summary: This bill requires the Director of the Division of Parole and Probation to establish a Corrections Options Pilot Program for Baltimore City and Howard, Prince George's, and Somerset counties in order to expand existing, and develop new, corrections options programs throughout the State. The director is required to appoint a Corrections Options Authority, with specified duties and responsibilities. Seven-member local community planning councils are required for the affected jurisdictions. The bill provides for the membership of each council.

The bill allows courts in the affected jurisdictions to impose sentences in accordance with recommendations of a Corrections Options Authority. The director is required to conduct a comprehensive study of the benefits of the pilot program and its impact on the State's criminal justice system, and to report the study's findings to the General Assembly by October 1, 2003. The bill sunsets September 30, 2003.

Current Law: None applicable.

Background: In 1990 Congress authorized funding for a Correctional Options Program to encourage states to pursue the development and implementation of alternatives to incarceration programs for selected offenders whose addiction to controlled and dangerous substances precipitates their criminal behavior and who are not public safety risks.

The State responded to a federal grant solicitation and was one of four states selected to receive federal funding in November 1992 to develop and implement an alternative to incarceration programs for non-violent, chemically-dependent offenders. The fiscal 1993 budget stipulated that \$4 million of the Department of Public Safety and Correctional Services' (DPSCS) fiscal 1993 appropriation could be spent only for this purpose.

Despite significant amounts of expenditures over the last ten years, State-operated adult correctional facilities remain crowded with more than 27,000 offenders in confinement. DPSCS established the Correctional Options Program (COP) to address changing programmatic needs, and initiated efforts to re-engineer its business processes. COP is intended to ensure the continuing availability of prison space for the long-term incarceration of violent offenders and other criminals who pose the greatest threat to public safety.

In addition, after a three-year study touching on many issues, the Maryland Criminal Sentencing Policy Commission recommended, in part, that the State make far greater use of correctional options programs in lieu of imprisonment for some offenders.

State Expenditures: General fund expenditures could increase by an estimated \$125,183 for the Division of Parole and Probation in fiscal 2001, which accounts for the bill's October 1, 2000, effective date. This estimate reflects the cost of contractually hiring one program

director, one assistant director, and one office secretary to administer the pilot program. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salaries and Fringe Benefits	\$90,560
New Office Equipment (One-time)	12,890
Other Operating Expenses	<u>4,523</u>
Total FY 2001 State Expenditures	\$107,973

Future year expenditures reflect 1% annual increases in contractual salaries and ongoing operating expenses. Expenditures for fiscal 2004 reflect termination of the pilot program after September 30, 2003.

Although it is unclear as to what the bill specifically means by a “Correctional Options Authority” required to be appointed by the program director, the current program (COP) assumes that the responsibilities ascribed to this authority under the bill would be performed by the pilot program staff. All such responsibilities, especially those relating to the local planning councils, would be in addition to COP’s existing operations. COP believes that any significant expansion of correctional options would eventually lead to significant State and local cost savings and crime reductions.

Local Fiscal Effect: The effect of this bill on local units of government would depend on their current use of, and experience with, correctional options. Baltimore City assumes that this pilot program could provide or lead to some indeterminate cost savings for the city. On the other hand, Howard County fears that this bill would lead to “substantial” new costs for the county. The Department of Legislative Services advises that, while any specific future plans or recommendations arising from the operations of this pilot program are currently unknown, its duration would be relatively brief. It is assumed that any action plans or other creations of the program would be aimed at expanding alternatives for the placement and supervision of offenders within the available resources of the participating jurisdictions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services (Division of Parole and Probation), Baltimore City, Howard County, Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2000
ncs/jr

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