

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

House Bill 500

(Delegate Montague, *et al.*)

Judiciary

Sentencing - Division of Correction - Public Correctional Facilities

This bill requires that a person who is sentenced to the jurisdiction of the Division of Correction (DOC) be exclusively held by, confined in, assigned to, or transferred to: (1) a State correctional facility owned by the State; (2) a local correctional facility owned by a county or municipal corporation; or (3) a correctional facility owned and operated by another state.

Fiscal Summary

State Effect: None. This bill generally codifies existing practice. Currently, all inmates sentenced to the jurisdiction of DOC are confined in a State-owned facility, a local detention center, or (in a small number of cases) to facilities owned or operated by another state in accordance with the Interstate Corrections Compact.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A “correctional facility” is a facility that is operated for the purpose of detaining or confining adults who are charged with or found guilty of a crime. A “State correctional facility” is operated by the State and includes: (1) the Patuxent Institution; (2) the Baltimore City Detention Center; and (3) the centralized booking facility in Baltimore City that is operated by the Division of Pretrial Detention and Services in the

Department of Public Safety and Correctional Services. A “local correctional facility” is operated by: (1) one or more counties; or (2) by a municipal corporation.

Subject to terms and conditions approved by the Secretary of Public Safety and Correctional Services, a county, the counties in a region, or the State may provide for the operation of a community adult rehabilitation center by contract with a nonpublic person.

The Director of the Division of Parole and Probation may establish a home detention program under which an offender may live in a private dwelling that the director approves.

Background: Maryland is a party to the Interstate Corrections Compact, in which each party state may contract with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated with receiving states. The compact does not prohibit confinement in facilities owned or operated by private persons.

Additional Information

Prior Introductions: In 1999, SB 373 would have prohibited DOC from contracting with a private vendor for operation of State correctional facilities or for the incarceration of persons in DOC custody. That bill received an unfavorable report from the Budget and Taxation Committee.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

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ncs/jr

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