

**Department of Legislative Services**

Maryland General Assembly

2001 Session

**FISCAL NOTE**

**Revised**

Senate Bill 413 (Senator Harris, *et al.*)

Judicial Proceedings

Judiciary

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**Local Correctional Facilities - Inmate Transfers**

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This bill authorizes a governing body of a county or municipal corporation that operates a local correctional facility to enter into a memorandum of understanding with another political subdivision that operates a correctional facility to authorize the transfer of inmates from one facility to another.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Minimal. This bill is not expected to significantly affect local revenues or expenditures attributable to correctional operations.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A judge may sentence an individual to a local correctional facility if: (1) the sentence is for a period of not more than 18 months; and (2) the judge imposing the sentence is in a jurisdiction that is a party to the operation and maintenance of the local correctional facility to which the individual is sentenced.

**Local Fiscal Effect:** In practice, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. Local per diem operating costs of local detention facilities are expected to range from \$17 to \$77 per inmate in fiscal 2002.

There are no known agreements allowing such cross-jurisdictional transfers. Any fiscal impact resulting from this bill would depend upon the terms of future agreements. However, after a limited survey of local jurisdictions, Legislative Services advises that this bill should have little if any future impact on local correctional operations or costs, because: (1) it is assumed that any such agreement would allow for compensation for the receiving jurisdiction from the jurisdiction of sentencing in an amount approximating actual per diem costs; and (2) it is also assumed that any such agreement would provide for acceptance on a space-available basis only. While per diem costs vary by jurisdiction, it is assumed that jurisdictions would tend not to enter into such agreements if they would result in significant net losses to either of the participating jurisdictions. It is also assumed that such memoranda would be used primarily to deal with situations involving temporary conditions of overcrowding at local correctional facilities.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 997 (Delegate J. Kelly) – Judiciary.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Allegany County, Montgomery County, Prince George's County, Talbot County, Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

**Fiscal Note History:** First Reader – March 2, 2001  
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