

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 614 (Delegate Dembrow, *et al.*)

Judiciary

Judicial Proceedings

Interstate Compact for Adult Offender Supervision

This bill repeals Maryland's Uniform Act for Out-of-State Parolee Supervision and replaces it with the Interstate Compact for Adult Offender Supervision. The bill establishes the purpose of the Interstate Compact for Adult Offender Supervision and provides for the creation of an interstate compact commission and a State council. The bill specifies the powers, duties, and membership requirements of the commission and the State council. The bill also provides for appointment of a compact administrator.

Fiscal Summary

State Effect: It is assumed that any general fund expenditures required for Maryland's participation under the Interstate Compact for Adult Offender Supervision would be substantially the same as under the existing Uniform Act for Out-of-State Parolee Supervision. Annual costs for this participation are estimated to continue at approximately \$33,000. Revenues would not be affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Maryland's dealings with other states relating to parolees and probationers are governed by the Uniform Act for Out-of-State Parolee Supervision which was adopted by the State and added to the Annotated Code in 1957. The only change to these provisions since that time was made in 1999, when the entire subtitle was

incorporated into the newly created Correctional Services Article. The present compact (the Uniform Act) is administered by the Division of Parole and Probation.

Background: Interstate compacts and agreements are formal binding contracts, entered into voluntarily by two or more states, that require consent from Congress under the compact clause of the U.S. Constitution. The congressional consent requirement distinguishes compacts from other forms of interstate agreements. States form compacts for such things as allocating debt, establishing an authority for the operation of an interstate port, providing for the construction of a bridge spanning interstate waters, and extraditing felons.

The current Interstate Compact for the Supervision of Parolees and Probationers, on which Maryland's Uniform Act is based, was established in 1937. It is the earliest corrections compact and has not been amended since its adoption. This existing compact is the only vehicle for controlled movement of adult parolees and probationers across state lines. According to the U.S. Justice Department's National Institute of Corrections (NIC) this jurisdiction over parolees and probationers currently involves more than 250,000 offenders.

A special NIC advisory group found that the current interstate compact system is overwhelmed and outdated. New measures dealing with registration of sex offenders and notification to victims are among the examples of how managing offenders across state lines has become more complex and currently not adequately addressed. The advisory group, including members of the Parole and Probation Compact Administrators Association, has concluded that under the current system there are frequent violations of rules and an inadequate ability to enforce compliance. They also have noted difficulty in creating new rules, getting routine information on offenders, and exchanging case information.

The Interstate Compact for Adult Offender Supervision was developed by the NIC as a result of findings by the advisory board. This new compact requires the repeal of the existing compact (Maryland's Uniform Act for Out-of-State Parolee Supervision), and allows all participating states to adopt the exact language of various details such as: (1) financing; (2) the compact administrator; and (3) a State council.

As of January 11, 2001, nine states have signed the new compact into law (California, Colorado, Connecticut, Hawaii, Idaho, Kentucky, Missouri, Oklahoma, and Vermont). The state of Washington passed a bill last March that set up a task force staffed by the Governor's Office to examine the compact and to make a recommendation on adoption by January 1, 2001. The task force recommendation has been made for adoption, but no action has yet been taken by the legislature on that recommendation.

State Fiscal Effect: Under this bill, any parolee or probationer under the supervision of the State who wished to reside in another state would be subject to the rules, regulations, and conditions established by the Interstate Commission. The Division of Parole and Probation, as Maryland's compact administrator under the current compact, is assumed to continue in that role under the new compact. Overall, the division believes that the new compact will operate substantially the same as the existing compact.

Although financing (state annual dues) for a new commission has not been established, it is assumed that a formula would be used that is similar to the current formula. This annual payment formula, based in part on pertinent demographics for each state, has set Maryland's annual payment at \$32,000, which is not expected to materially change with a new commissioner.

The division also pays about \$900 per year to send a representative to two national meetings per year to discuss pending issues with the commission and other states. It is assumed that this practice would also continue at similar cost.

Additional Information

Prior Introductions: An identical bill was introduced as SB 366 and HB 330 during the 2000 session. Each bill had a hearing but had no further action taken.

Cross File: Senate Bill 85 (Senator Frosh) – Judicial Proceedings.

Information Source(s): Department of Public Safety and Correctional Services (Division of Parole and Probation, Maryland Parole Commission), Department of Legislative Services

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