

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

House Bill 997

(Delegate J Kelly)

Judiciary

Local Correctional Facilities - Sentencing Judges

This bill authorizes a judge to sentence an individual for up to 18 months to a local correctional facility if the judge imposing the sentence is in a jurisdiction that has an agreement with the jurisdiction in which the correctional facility is located that allows that sentencing.

Fiscal Summary

State Effect: This bill is not expected to significantly affect the intake of inmates for the Division of Correction or associated costs.

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

Small Business Effect: None.

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.

State Expenditures: There are no known agreements allowing such cross-jurisdictional sentencing. It is not known how many such agreements might arise as a result of this bill. Under the bill, State costs would only be affected if the person sentenced to a local

correctional facility in another jurisdiction would have otherwise been sentenced to a DOC facility. Under such a scenario, State incarceration costs would decline and State reimbursements to the affected county (after 90 days) would increase.

In any event, DOC's average total cost per inmate, including overhead, is estimated at \$1,700 per month. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$288 per month. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2002 are estimated to range from \$9 to \$52 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

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 sentencing. 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 noted that two counties believe this bill would significantly increase local costs. Montgomery County advises that this bill would increase revenues by about \$2 million annually assuming an additional 300 inmates per year being sentenced to Montgomery County with each paying an average of \$75 per day for an average stay of 90 days. The county estimates a need for the opening of an additional housing unit as well as five additional correctional officers to handle this additional inmate influx, at a cost of about \$376,800 in fiscal 2002 and growing to about \$974,900 by fiscal 2006. However, the county acknowledges that this estimate is speculative and is only based on an actual average daily population of 91 inmates who reside out of the county but who committed their crimes in the county, and is not based on any existing or anticipated agreement.

Talbot County advises that this bill would result in a significant annual expenditure increase of about \$547,500. That amount is based on an assumption that this bill would result in an intake of 30 additional inmates per year, sentenced for a full year at a per diem cost of \$43 ((\$470,850), and a loss of federal prisoner revenue calculated on the same basis at a \$7 per diem (\$76,650). This estimate is not based on any existing agreement and does not reflect any additional revenue from State reimbursement payments after 90 days.

Additional Information

Prior Introductions: None.

Cross File: SB 413 (Senator Harris, *et al.*) – Judicial Proceedings.

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

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