

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 1436

(Allegany County Delegation)

Judiciary

Judicial Proceedings

Allegany County - Pretrial Release and Work Release Programs

This bill authorizes the sheriff of Allegany County to establish a pretrial release program and adopt regulations to administer the program. It also authorizes the Allegany County sheriff to establish and administer a work release program.

Fiscal Summary

State Effect: Although the State reimburses counties for part of their incarceration costs after a person has served 90 days, any decrease in general fund expenditures due to decreases in confinement occurring after 90 days is not expected to be significant.

Local Effect: Increase in Allegany County expenditures for operation of the pretrial and work release programs and decrease in expenditures due to less detention costs. The net fiscal impact is not expected to be significant.

Small Business Effect: None.

Analysis

Bill Summary: The Allegany County sheriff may establish a pretrial release program that offers alternatives to pretrial detention and adopt regulations to administer the program. A court may order an individual who appears before the court after being charged and detained on bond to participate in the pretrial release program if the individual:

- is recommended for placement in the program by the program staff;

- has no other charges pending in any jurisdiction; and
- is not in detention for escape or a crime of violence.

The court may make the order at the imposition of bond, on review of bond, or any other time during the individual's pretrial detention.

The Allegany County sheriff's department may establish and direct a work release program and adopt guidelines for the operation of the program. At the time of sentencing or at any time during an inmate's confinement, the sentencing judge (or another judge if that judge is unavailable) may order the inmate to participate in the work release program. In ordering an inmate to participate in the work release program, the court may allow the inmate to leave actual confinement to:

- work at or seek gainful, private employment; or
- participate in an educational, rehabilitative, or training program in the county.

Unless the court directs otherwise, an inmate must be confined in the detention center when not participating in the work release program. The sheriff or the sheriff's designee must collect the inmate's earnings, less payroll deductions required by law. From those earnings, the sheriff must deduct and disburse: (1) costs to the county for food, lodging, and clothing for the inmate; (2) the actual cost of necessary food, travel, and other expenses incidental to the inmate's participation in the program; (3) any court-ordered fine, cost, restitution, or payment for legal services; and (4) any child support.

The sheriff must credit the remaining balance to the inmate's account and dispose of the balance as the inmate reasonably requests and as the sheriff approves. If an inmate is found to have violated a trust or a condition of employment, the inmate is subject to removal from the work release program and cancellation of any earned diminution of the inmate's term of confinement.

Current Law: Allegany County is currently required to administer a home detention program. It is not authorized to establish a pretrial release or work release program.

Background: The bill seeks to provide an early, supervised release for "low risk" individuals in Allegany County awaiting trial. Dorchester, Kent, and Wicomico counties are authorized to administer pretrial release and work release programs. The State has a pretrial release services program that is overseen by the Department of Public Safety and Correctional Services.

In its Executive Summary dated October 11, 2001, the Pretrial Release Project Advisory Committee stated that implementation of pretrial services in every Maryland jurisdiction is a key element in overall improvement of the criminal justice system. The committee posited that its recommendations for pretrial services would be adequately funded by “the offset of detention expenses, lost wages, and other costs of unnecessary pretrial detention.”

Local Fiscal Effect: Allegany County expenditures could decrease as a result of persons serving shorter periods of time in detention and could increase for administrative costs of running the pretrial release and work release programs. Counties pay the full cost of incarceration for the first 90 days of any detainment, plus part of the per diem cost after 90 days. Per diem operating costs of the Allegany County detention facility are estimated at \$66.43 per inmate in fiscal 2003. The net fiscal impact of this bill is not expected to be significant.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Allegany County, Department of Public Safety and Correctional Services, Department of Legislative Services

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