

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 184 (Chairman, Judicial Proceedings Committee)
(By Request – Departmental – Public Safety and Correctional Services)
Judicial Proceedings

Unauthorized Parolee or Probationer Relocation - Penalties

This departmental bill prohibits a parolee, probationer, or a person on mandatory supervision from relocating to or from the State without approval from the State Compact Administrator for the Interstate Compact for Adult Offender Supervision. A violator is guilty of a misdemeanor and subject to maximum penalties of a fine of \$1,000 and/or imprisonment for six months.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions. It is assumed that any State law enforcement involvement in the apprehension of violators could be handled with existing budgeted resources.

Local Effect: Potential minimal increase in expenditures due to the bill's incarceration penalty provision. It is assumed that any local law enforcement involvement in the apprehension of violators could be handled with existing budgeted resources.

Small Business Effect: The Department of Public Safety and Correctional Services has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Bill Summary: Specifically, the bill provides that those on parole or probation in another state may not relocate to Maryland without approval, while those who are on parole, probation, or mandatory supervision in Maryland may not relocate to another state without approval. The mandatory supervision requirement does not apply to out-of-state individuals seeking to relocate in Maryland.

Current Law: Maryland's dealings with other states relating to parolees and probationers are governed by an interstate compact. Maryland's participation under the current compact, the Interstate Compact for Adult Offender Supervision, was authorized by Chapter 123 of 2001. The Division of Parole and Probation serves as the State Compact Administrator.

Persons released on parole and mandatory supervision remain in legal custody subject to any conditions placed on their release.

Background: Any parolee or probationer under the supervision of the State who wishes to reside in another state is subject to the rules, regulations, and conditions established by the Interstate Commission. According to the U.S. Justice Department's National Institute of Corrections (NIC), compact jurisdiction over parolees and probationers currently involves more than 250,000 offenders.

The compact subjects member states to administrative fines and penalties for noncompliance with compact terms and rules. However, the issue of offender compliance and behavior with respect to the compact is left to each state to address.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provision since these cases would be heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. 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 2004 are estimated to range from \$14 to \$59 per inmate depending upon the jurisdiction. Persons sentenced to such a term in

Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC average total cost per inmate, including overhead, is estimated at \$1,850 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$350 per month.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$28 to \$84 per inmate in fiscal 2004.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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