

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 847 (Chairman, Budget and Taxation Committee)
(By Request – Departmental – Public Safety and Correctional Services)
Budget and Taxation

**State Correctional Facilities - Implementation of Standards of the American
Correctional Association**

This departmental bill repeals the prohibition against the use of State funds, except as provided in the State budget, to implement standards for State correctional facilities that are adopted or proposed by the American Correctional Association (ACA).

Fiscal Summary

State Effect: General fund expenditure increase of \$9,500 in FY 2005 and \$19,000 in FY 2006 for the Division of Correction (DOC). Out-year costs would be determined at a later date, but would tend to be similar depending on the number of facilities for which DOC would seek accreditation.

(in dollars)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	9,500	19,000	0	0	0
Net Effect	(\$9,500)	(\$19,000)	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

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

Analysis

Current Law: Except as provided in the State budget, State funds may not be used to implement standards for State correctional facilities that are adopted or proposed by ACA.

The Maryland Commission on Correctional Standards is an existing entity within DPSCS and includes the Attorney General, the Secretary of General Services, and the Secretary of Budget and Management. With the advice of the commission, the Secretary of Public Safety and Correctional Services has set, by regulation, minimum mandatory standards applicable to security and inmate control, inmate safety, inmate food services, inmate housing and sanitation, inmate rights, classification, hearings, and administrative record keeping. Such standards apply to all State and local correctional facilities.

In addition, the Secretary of Public Safety and Correctional Services, with the advice of the commission, has adopted regulations that establish approved standards applicable to personnel, training, administration, management, planning and coordination, research and evaluation, physical plant, special management inmates, rules and discipline, mail and visiting, reception and orientation, property control, work programs, educational and vocational training, library services, religious services, recreational activities, counseling, release preparation, and volunteers. These standards apply to all State facilities and may be adopted, in whole or in part, by a local correctional facility.

All mandatory minimum standards and approved standards adopted must be consistent with State and federal law.

Background: ACA is a private, nonprofit organization that administers the only national accreditation program for all components of correctional operations. ACA's purpose is to address the management of correctional agencies through the use of a voluntary accreditation program and the ongoing development and revision of relevant standards.

During the 2001 session, \$20,000 was appropriated to DOC to establish pilot accreditation programs at Western Correctional Institution and Eastern Correctional Institution through ACA. This bill would allow DOC to pursue future accreditation efforts.

State Expenditures: The cost of ACA accreditation includes an application fee and site visits by ACA auditors to specific facilities totaling \$9,500 per facility. The on-site audit takes 3.5 days.

For fiscal 2005, assuming the passage of this bill, DOC would spend \$9,500 for accreditation for one facility only. In fiscal 2006, DOC anticipates an application for accreditation of two facilities at a cost of \$19,000. Beyond fiscal 2006, such costs are unknown, but would reflect the same per facility costs.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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