

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

House Bill 698  
Judiciary

(Delegate Vallario, *et al.*)

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Correctional Services - Work Release Programs - Required Establishment

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This bill requires that each county that maintains at least one local correctional facility to establish and operate a work release program. The Department of Public Safety and Correctional Services (DPSCS) must establish and operate such a program in Baltimore City.

A work release program is defined as a program that enables an inmate imprisoned at a local facility or the Baltimore City Detention Center (BCDC) to: (1) attend a vocational or educational institution; (2) work at gainful private employment; or (3) participate in any other training or rehabilitation program.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** The actual cost of the program depends on how it is structured and how many people it would serve. It is possible that the requirements of the bill could be met with existing budgeted resources.

**Small Business Effect:** None.

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Analysis

**Current Law:** All jurisdictions in the State except Prince George's County have work release programs. Baltimore City does not operate a local detention center (all incarceration terms arising from convictions in the city are served in State facilities).

However, in July 2003, DPSCS established a work release program at BCDC for persons sentenced in Baltimore City to the Division of Correction (DOC). The program currently has 14 inmates participating in the program. The Division of Pretrial Detention and Services has recommended that the program be moved to the Dismas House Prerelease Release Center. The BCDC work release program has a capacity for 45 inmates.

BCDC is a State-operated detention facility used primarily to house pretrial inmates. It is operated by the Division of Pretrial Detention and Services, and not by DOC. Except for a few post-conviction inmates held temporarily from time to time at BCDC, generally the division does not now incarcerate post-conviction inmates, while DOC is barred from housing any pretrial inmates.

DOC has authority to establish a work release program anywhere in the State whereby an inmate may be granted the privilege of leaving actual confinement during necessary and reasonable hours: (1) to work at gainful public or private employment; (2) to attend school; or (3) under appropriate conditions, to seek employment. Under an extended work release program authorized for DOC, an inmate who is sentenced to DOC for desertion or nonsupport of a spouse, child, or destitute parent may be granted the privilege of leaving actual confinement: (1) to work at gainful employment; (2) to live in a noninstitutional environment; or (3) under appropriate conditions, to live at home under intensive supervision by the Division of Parole and Probation.

All work release programs in the State are post-conviction, with the earliest work release order occurring at sentencing. For example, inmates in Baltimore County are eligible for program participation if the inmate: (1) is within six months or less of a release date; (2) has been sentenced to the correctional facility without pending charges; (3) had no disciplinary infractions for possession of contraband; and (4) had no positive urinalysis test results during present incarceration.

**State and Local Fiscal Effect:** Prince George's County advises that, under the requirements of this bill, the county would operate a work release program for approximately 100 persons. Based on cost estimates from 2002, the county believes that this would necessitate the construction of a new facility dedicated to work release inmates at a cost of about \$3.2 million, one-time additional equipment costs of about \$200,000, and annual operating expenses (including additional staff) of about \$1.1 million.

The county further advises that approximately \$1.7 million in construction and equipment costs could be reimbursed to the county from the State, and that fees would be charged to program participants so as to recover approximately \$300,000 per year in operating costs.

Establishing a work release program in this manner is not required by this bill. Accordingly, the Department of Legislative Services advises that the requirements of this bill would be met within the existing budgeted resources of the county and could be met by operating a work release program out of existing facilities with existing staff. Any operational changes and associated costs are assumed to be minimal.

It is also assumed that a decision by the county to build a separate new facility dedicated to a work release program would be voluntary and would be done through normal county capital construction decision making processes – perhaps influenced by whether or not the county would qualify for reimbursement of all or part of construction costs by the State. Under current provisions, and under certain circumstances, if DPSCS determines that the anticipated confinement of inmates in a county’s local correctional facility would exceed the capacity of the local correctional facility, the State may pay the costs of a new or enlarged existing local correctional facility.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Prince George’s County, Caroline County, Howard County, Baltimore City, Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

**Fiscal Note History:** First Reader - February 20, 2004  
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