

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 1368

(Delegate Vallario)

Judiciary

Judicial Proceedings

**Correctional Services - Standards for Correctional Facilities - Victim
Notification and Restitution**

This bill requires the Secretary of Public Safety and Correctional Services to adopt regulations that establish minimum mandatory standards applicable to victim notification and restitution.

Fiscal Summary

State Effect: None. The bill's requirements could be handled with the existing budgeted resources of the Department of Public Safety and Correctional Services and the Maryland Commission on Correctional Standards. It is assumed that the requirements of any new resulting standards could be met with the existing budgeted resources of the Division of Correction.

Local Effect: Minimal. Although it is unknown how many local correctional facilities now operate under standards applicable to victim notification and restitution, it is assumed that requirements associated with any new standards, while potentially causing some operational changes, could be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: The 11-member Commission on Correctional Standards 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 sets, 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, adopts 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.

The commission is required to: (1) establish and implement a process to inspect State and local correctional facilities to determine and certify compliance with applicable standards; and (2) determine deadlines for remedial action and reinspection whenever inspection reports indicate noncompliance with applicable standards. The commission may review and act on appeals from staff inspection reports.

If, after holding a hearing on the issue, the commission determines that a correctional facility is in violation of the minimum mandatory standards, the commission may issue an order to cease operation of the correctional facility or any of its correctional elements, procedures, or functions. The commission may subpoena witnesses and hold public hearings before making a final decision on the closure of a correctional facility or any of its correctional elements, procedures, or functions. The commission must provide to a correctional facility reasonable notice of a hearing under these provisions.

Additional Information

Prior Introductions: None.

Cross File: SB 883 (Senator Miller) – Judicial Proceedings.

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

Fiscal Note History: First Reader - March 7, 2004
n/jr

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