

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 729

(Calvert County Delegation)

Judiciary

Judicial Proceedings

Calvert County - Pretrial Release Program

This bill authorizes the Sheriff of Calvert County to establish a pretrial release program that offers alternatives to pretrial detention and to adopt regulations to administer the program. The bill authorizes a court to order an individual to participate in the county pretrial release program if the individual: (1) appears before the court after being charged and detained on bond; and (2) meets the program's eligibility requirements. The court may issue such an order at the imposition of bond, on bond review, or at any other time during the individual's pretrial detention.

An individual is eligible for the program if the individual is: (1) recommended to the court for placement in the program by the program staff; and (2) not in detention for or been previously convicted of a crime of violence, a felony, or the crime of escape.

The bill is effective July 1, 2004.

Fiscal Summary

State Effect: None. The State reimburses counties for part of their postconviction incarceration costs, on a per diem basis, after a person has served 90 days.

Local Effect: Potential savings for the Calvert County detention center, which may or may not be realized.

Small Business Effect: None.

Analysis

Current Law: Calvert County, under statutory authority, operates a work release program and a Community Services Alternative Sentencing Program.

The work release program is operated at the county detention center and allows an individual to participate for a fixed period if so ordered by a court, at the time of criminal sentencing or at a resentencing hearing. A person participating in the work release program is subject to specified provisions, including certain deductions by the program supervisor from the individual's earnings.

The Community Services Alternative Sentencing Program is operated in the county Department of Public Safety; the department also administers community service projects for individuals convicted of an offense and referred to the program by a court. Under this program, the county commissioners may charge a fee for program participation to defray costs. An individual sentenced to participate in the substance abuse treatment program at the county treatment facility must pay a per diem fee, as determined by the court, to cover certain expenses incidental to program participation. The fee may be waived by the court. The county attorney may bring a civil action to collect any arrearage incidental to the per diem charge remaining unpaid 30 days after the individual has been discharged from the treatment facility.

Local Expenditures: This bill authorizes, rather than requires, a pretrial release program in Calvert County. Per diem operating costs of the Calvert County detention center are expected to be \$78 per inmate in fiscal 2005, which includes overhead.

If such a program is put into place by the county, the initial goal for the program would involve 10 persons at any given time. This would provide a per diem savings in variable inmate costs only for 10 persons at the county detention center. If applied to 10 persons per day for every day of the year, this could provide an annual savings in variable inmate costs and make a corresponding number of additional beds available at the county detention center. However, to the extent that the additionally available beds are filled with other pretrial or postconviction inmates, those savings would not be realized.

The program itself would be administered and operated with existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Calvert County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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