

Department of Legislative Services
 Maryland General Assembly
 2005 Session

FISCAL AND POLICY NOTE

House Bill 730 (Chairman, Appropriations Committee)
 (By Request – Departmental – Public Safety and Correction Services)
 Appropriations

State Correctional Facilities - Implementation of Standards Adopted or Proposed by the American Correctional Association

This bill repeals a provision that precludes the Division of Correction (DOC) from using 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 \$21,800 in FY 2006 only. 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. Revenues would not be affected.

(in dollars)	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	21,800	-	-	-	-
Net Effect	(\$21,800)	\$0	\$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 (DPSCS) 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 that 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.

During the 2002 session, the General Assembly, through the *Joint Chairmen's Report*, requested that DOC furnish a report delineating the pilot program of the institutions (Western Correctional Institution and Eastern Correctional Institution), a proposed implementation schedule of other institutions beyond the Eastern Correctional Institution in fiscal 2003, estimated additional cost impact by institution, and how these additional

costs will be absorbed within the division's appropriation. The budget language also stated that the division could not expend any additional funds toward ACA accreditation until the budget committees had reviewed and approved the required report, due for submission by October 2002. In December 2004, DPSCS submitted a report to the budget committees to meet this reporting requirement.

State Expenditures: The cost of ACA accreditation includes an application fee and site visits by ACA auditors to specific facilities totaling \$10,900 per facility. The onsite audit takes 3.5 days.

For fiscal 2006, assuming the passage of this bill, DOC would seek re-accreditation of Western Correctional Institution and Eastern Correctional Institution at a total cost of \$21,800. Beyond fiscal 2006, such costs are unknown, but would reflect the same per facility costs.

Additional Information

Prior Introductions: SB 847 of 2004 had a hearing before the Budget and Taxation Committee and had no further action taken on it.

Cross File: None.

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

Fiscal Note History: First Reader - March 16, 2005
mam/jr

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