

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 723

(Senator Giannetti)

Judicial Proceedings

**Local Correctional Facilities - Judicial Authorization of Immediate Work
Release**

This bill authorizes a judge to order that an individual be allowed to immediately begin participation in a work release program in the State, including under provisions governing the work release program in Montgomery County.

Fiscal Summary

State Effect: Minimal. Any actual operational and fiscal impact on a State work release program cannot be reliably predicted, but is not assumed to be significant.

Local Effect: Minimal. Any actual operational and fiscal impact on any local work release program cannot be reliably predicted, would tend to vary by jurisdiction, and is not assumed to be significant.

Small Business Effect: Minimal.

Analysis

Current Law: Twenty-one counties in the State, including Baltimore City and Montgomery County, have individual county provisions authorizing or requiring a work release program. The Montgomery County program, believed to be the largest in the State, has about 580 inmates participating in the program annually.

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, the

Department of Public Safety and Correctional Services established a work release program at the Baltimore City Detention Center (BCDC) for persons sentenced in Baltimore City to the Division of Correction (DOC). 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.

Additional Information

Prior Introductions: None.

Cross File: HB 423 (Delegate Vallario, *et al.*) – Judiciary.

Information Source(s): Washington County, Montgomery County, Prince George's County, Kent County, Judiciary (District Court), Department of Public Safety and Correctional Services, Department of Legislative Services

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