

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 852
Judiciary

(Delegate Conaway)

Judicial Proceedings

Correctional Services - Division of Correction - Length of Sentence

This bill prohibits a judge from sentencing an individual to the jurisdiction of the Division of Correction (DOC) for 12 months or less unless the individual is an inmate under the jurisdiction of DOC.

Fiscal Summary

State Effect: Minimal. The number of such cases occurring under the bill are assumed to be few.

Local Effect: Minimal.

Small Business Effect: None.

Analysis

Current Law: Notwithstanding any other law, a judge may sentence an individual to a local correctional facility if:

- the sentence to be then executed is for a period of not more than 18 months; and
- the judge imposing the sentence is in a jurisdiction that is a party to the operation and maintenance of the local correctional facility to which the individual is sentenced.

Background: Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the

sentence be served at a local facility or a DOC facility. Prior to fiscal 2010, the State reimbursed counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. Currently, the State provides assistance to the counties for locally sentenced inmates and for inmates who are sentenced to and awaiting transfer to the State correctional system. A \$45 per diem grant is provided to each county for each day between 12 and 18 months that a sentenced inmate is confined in a local detention center. Counties also receive an additional \$45 per day grant for inmates who have been sentenced to the custody of DOC but are confined in a local facility. The State does not pay for pretrial detention time in a local correctional facility. Persons sentenced in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

The most significant programmatic decrease for DOC in the fiscal 2013 allowance is the nearly \$1.8 million associated with the planned closure of one facility during fiscal 2013, the Southern Maryland Pre-release Unit. The long-range plan includes the closure of additional facilities. According to the Department of Public Safety and Correctional Services (DPSCS), the displaced staff will be used to reduce overtime and address staffing shortfalls at other facilities. DPSCS is anticipating that the plan will generate additional savings in fiscal 2014, as more inmates are paroled and correctional staff can be redeployed to address the continuing significant overtime issues for the department.

State Fiscal Effect: All inmates sentenced in Baltimore City are remanded to the custody of DOC. In all other jurisdictions, a court:

- *may not* sentence an inmate to the custody of DOC for any term of 12 months or less (unless the sentence is for an offense committed while in DOC and the inmate is still under DOC's jurisdiction);
- *may* sentence an inmate to the custody of DOC for a term of over 12 months up to 18 months; and
- *must* sentence to DOC any inmate for a term of 18 months or more.

Under the bill, courts in jurisdictions other than Baltimore City will have the discretion to sentence any inmate to DOC for a term of 12 months or less, as long as the inmate is already under the jurisdiction of DOC.

DPSCS reports that data is not available at this time as to the frequency of the circumstances covered under the bill. Such circumstances are assumed to be relatively infrequent. It is further assumed that any potential fiscal and operational impact of the bill on DOC or the courts is minimal.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City, Montgomery County, Judiciary (Maryland District Court), Department of Public Safety and Correctional Services, Department of Legislative Services

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mm/hlb

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