

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 267

(Senators Brinkley and Young)

Judicial Proceedings

Frederick County - Adult Detention Center - Processing and Administrative Fees

This bill authorizes the Frederick County Sheriff to charge a reasonable fee of up to \$10 for each individual processed into the county detention center. The sheriff may also charge a reasonable administrative fee of up to \$25 for each individual participating in a general educational development program at the detention center. A juvenile may not be charged such an administrative fee.

Fiscal Summary

State Effect: None.

Local Effect: Frederick County revenues increase by approximately \$38,600 in FY 2013, with future year revenues increasing by 1.5% annually. Fee collections can be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: Frederick County does not currently charge a general inmate processing fee or an administrative fee for inmate participation in a general educational development program at the county detention center.

Background: The Frederick County Sheriff's Office operates a work release program under which the sheriff must collect the earnings of an inmate in the program, less required payroll deductions. From the inmate's earnings is deducted the cost to the county for food, lodging, and clothing for the inmate; the actual cost of necessary food

and travel and other expenses incidental to the inmate's participation in the program; any amount a court imposes for a fine, cost, or restitution; any amount that the inmate is legally obligated or reasonably desires to pay for support of a dependent; and, if applicable, any amount that a court orders the inmate to repay to the State or to the county for the services of an attorney appointed by the court. The sheriff must credit to the inmate's account the remaining balance and dispose of the balance in the inmate's account as the inmate reasonably requests and as the sheriff approves.

The fiscal 2012 budget for Frederick County includes \$12.1 million for the county adult detention center and \$2.6 million for the work release program. These costs account for 3.3% of the county's general fund expenditures.

Local Revenues: In fiscal 2011, the Frederick County detention center:

- had an average daily population of 371 persons;
- processed 3,619 inmates into the detention center; and
- had 50 inmates participate in a general educational development.

Because the number of inmates processed at the county detention center has grown by 1.54% annually, it is estimated that the number of inmates processed in fiscal 2013 will total 3,731. **Exhibit 1** shows the revenue projection for Frederick County resulting from the new fees at the detention center.

Exhibit 1
Potential Frederick County Revenues
From Proposed Adult Detention Center Fees

	<u>FY 2013</u>	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>
Processing Fee	\$37,310	\$37,885	\$38,468	\$39,060	\$39,662
Educational Development Program	1,250	1,250	1,250	1,250	1,250
Total	\$38,560	\$39,135	\$39,718	40,310	\$40,912

Additional Information

Prior Introductions: Legislation was introduced at the 2010 and 2011 sessions that allowed for new processing and administrative fees at the Frederick County Detention Center. SB 263 and HB 149 of 2011 received unfavorable reports from the Senate Judicial Proceedings Committee and the House Judiciary Committee, respectively. SB 772 and HB 583 of 2010 also received unfavorable reports from their respective committees.

Cross File: HB 145 (Frederick County Delegation) - Judiciary.

Information Source(s): Frederick County, Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2012
ncs/hlb

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