

Department of Legislative Services
 Maryland General Assembly
 2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 768 (Senator Peters, *et al.*)
 Budget and Taxation and Judicial Proceedings

Justice Reinvestment Oversight Board

This bill establishes (1) the Justice Reinvestment Oversight Board in the Governor’s Office of Crime Control and Prevention (GOCCP); (2) the Performance Incentive Grant Fund for the purpose of making use of the savings from the implementation of the recommendations of the Justice Reinvestment Coordinating Council (JRCC) to provide grants for specified programs and services; and (3) the Local Government Justice Reinvestment Commission (LGJRC), staffed by GOCCP, to advise and make recommendations to the board and to create performance measures to assess the effectiveness and grants provided to local governments from the fund. The bill also establishes reporting requirements.

Fiscal Summary

State Effect: General fund expenditures increase by \$67,934 in FY 2017 for GOCCP to provide staff support for the board and LGJRC and to administer the new fund; future year expenditures reflect annualization and inflation. Special fund revenues to and expenditures from the fund may increase, potentially significantly, in future years to the extent any savings resulting from the implementation of the recommendations of JRCC are directed to the fund. A portion of GOCCP’s administrative costs may be able to be covered with special funds in future years to the extent such funds are available. Other agencies may be affected by the bill’s data collection and reporting requirements, but any impacts are not anticipated to be significant.

(in dollars)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
SF Revenue	\$0	-	-	-	-
GF Expenditure	\$67,900	\$85,200	\$88,500	\$92,000	\$95,600
SF Expenditure	\$0	-	-	-	-
Net Effect	(\$67,900)	(\$85,200)	(\$88,500)	(\$92,000)	(\$95,600)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Potential minimal increase in expenditures for local governments to participate in LGJRC. To the extent JRCC recommendations are implemented and any savings are realized, local governments may benefit from grants provided from the Performance Incentive Grant Fund for specified purposes.

Small Business Effect: None.

Analysis

Bill Summary:

Justice Reinvestment Oversight Board

GOCCP must provide staff for the Justice Reinvestment Oversight Board and the Executive Director of the Governor's Office of Crime Control and Prevention serves as chair of the board. The bill provides for the membership, terms, and duties of the board.

The Justice Reinvestment Oversight Board (1) may enter into an agreement with an academic institution or other entity that is qualified to collect and interpret data in order to assist the board with its duties and (2) must:

- consider the recommendations of LGJRC and any legislation, regulations, rules, budgetary changes, or other actions taken to implement the recommendations of JRCC;
- make additional legislative and budgetary recommendations for future data-driven, fiscally sound criminal justice policy changes;
- collect and analyze data regarding pretrial detainees;
- create performance measures to assess the effectiveness of the grants provided from the new fund; and
- consult and coordinate with LGJRC and other units of State and local jurisdictions concerning justice reinvestment issues.

A member of the board may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

The Department of Public Safety and Correctional Services (DPSCS), the Maryland Parole Commission, the Administrative Office of the Courts (AOC), and the Maryland State Commission on Criminal Sentencing Policy (MSCCSP) must collect and report data, as

specified, to the board relating to information requested by the board in order for the board to perform its duties.

By December 31, 2017, and each year thereafter, the board must report to the Governor and the General Assembly on the activities of the board and LGJRC.

By March 31 annually, each county, the Division of Pretrial Detention and Services within DPSCS, and AOC must report specified information to the board regarding inmates held in pretrial detention.

Performance Incentive Grant Fund

The Performance Incentive Grant Fund consists of money appropriated in the State budget, interest earned on money in the fund, and any other money from any other source accepted for the benefit of the fund.

The Justice Reinvestment Oversight Board may recommend to the Executive Director of the Governor's Office of Crime Control and Prevention that grants be made to provide specified programs and services, including providing for pretrial risk assessments, services to reduce pretrial detention, diversion programs, specialty courts, reentry programs, and ensuring that the rights of crime victims are protected and enhanced. At least 5% of grants provided to a county must be used to fund programs and services to ensure that the rights of crime victims are protected and enhanced. Subject to the authority of the Executive Director of the Governor's Office of Crime Control and Prevention, the board administers the fund, and GOCCP must receive money from the fund to offset the cost of administering the special fund.

Money expended from the fund for programs to reduce recidivism and control correctional costs is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for such purposes.

Local Government Justice Reinvestment Commission

LGJRC consists of one member from each county appointed by the governing body of the county for a staggered four year term. A member of LGJRC may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

LGJRC must (1) advise the board on matters related to legislation, regulations, rules, budgetary changes, and all other actions needed to implement the JRCC as they relate to local governments; (2) make recommendations to the board regarding grants to local

governments from the new fund; and (3) create performance measures to assess the effectiveness of the grants.

Current Law/Background: Chapter 42 of 2015 established JRCC in GOCCP. The council was required to (1) using a data-driven approach, develop a statewide policy framework of sentencing and corrections policies to further reduce the State's incarcerated population, reduce spending on corrections, and reinvest in strategies to increase public safety and reduce recidivism and (2) request technical assistance from the Council of State Governments Justice Center and the Public Safety Performance Project of the Pew Center on the States to develop the policy framework. The council met numerous times in 2015 to analyze criminal justice data and review relevant research. Pursuant to additional requirements of Chapter 42, the council also convened stakeholder groups and hosted roundtable discussions in multiple regions of the State to seek input from the public, including crime victims and survivors, faith-based groups, civil rights advocates, and community mediation organizations.

The council was required to submit its findings and recommendations by December 31, 2015. In its report, the council noted that, while the overall number of offenders admitted to prison has declined by almost 20% in the last decade, more than half of prison admissions had underlying nonviolent offenses. Almost 60% of all prison admissions represent failures of probation, parole, or mandatory release supervision; many of these stem from technical violations, such as missing an appointment or failing a drug test. Offenders in the State are also spending longer periods of time in incarceration. Factors contributing to longer stays include an increase of 25% in the average sentence length for new prisoners and a 29% increase in sentence lengths for probation revocations. Parole release rates also remain low. These factors may contribute to why, compared to the national average, the State has a larger share of its offender population incarcerated than other states. Specifically, of the State's offender population, 41% are incarcerated and 59% are supervised in the community, as compared to the national average of 30% and 70%, respectively. The council also found that community supervision resources are not sufficiently focused on offenders who are most likely to recidivate, as 70% of offenders on probation and 65% of offenders on parole and mandatory supervision are classified as having a moderate or low risk of reoffending. Additional findings can be found in the [complete report](#) of the council.

State Fiscal Effect:

Performance Incentive Grant Fund

The stated purpose of the Performance Incentive Grant Fund is to make use of the savings from the implementation of the recommendations of JRCC. However, the bill does not require implementation of any of the JRCC recommendations. Although the extent to

which those recommendations are implemented is unknown, and any resulting savings are, therefore, unknown, it is expected that if the JRCC recommendations are implemented, there will be an initial increase in general fund expenditures followed by significant savings in future years. To the extent savings in future years are realized, and those savings are directed to the Performance Incentive Grant Fund and/or other funds are appropriated in the State budget to the new fund, special fund revenues increase, potentially significantly. Special fund expenditures increase correspondingly as the funds are used to provide grants for specified programs, as required by the bill.

Governor’s Office of Crime Control and Prevention

General fund expenditures for GOCCP increase by \$67,934 in fiscal 2017, which accounts for the bill’s October 1, 2016 effective date. This estimate reflects the cost of hiring one full-time employee to staff the Justice Reinvestment Oversight Board and LGJRC and to administer the Performance Incentive Grant Fund. The estimate includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1
Salary and Fringe Benefits	63,119
Operating Expenses	<u>4,815</u>
Total FY 2017 Admin. Expenditures	\$67,934

Future year administrative expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

The bill authorizes GOCCP to use money in the Performance Incentive Grant Fund to cover its costs of administering the special fund. To the extent that the recommendations of JRCC are implemented and any savings realized as a result of those recommendations are directed to the special fund, in future years, some of these costs may be able to be covered with special funds, and the need for general funds decreases.

Maryland State Commission on Criminal Sentencing Policy

MSCCSP currently receives sentencing guidelines sheets from the circuit courts and can provide sentencing information concerning guidelines cases sentenced in the circuit courts with existing resources. However, to the extent that the board requests information that MSCCSP does not collect or have access to, MSCCSP may require additional staffing and resources. The impact is likely to be minimal, however.

Judiciary

The Judiciary advises that the amount of time and resources necessary to meet the reporting requirements for AOC in the bill cannot be reliably determined at this time. However, the impact is likely to be minimal.

Department of Public Safety and Correctional Services

DPSCS reports that it can implement the bill with existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City; Carroll, Harford, Montgomery, Queen Anne's, and St. Mary's counties; Maryland Association of Counties; Maryland Municipal League; Office of the Attorney General; Governor's Office of Crime Control and Prevention; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; State's Attorney's Association; Department of Health and Mental Hygiene; Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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