

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 459

(Delegate Queen, *et al.*)

Economic Matters

Education, Health, and Environmental Affairs
and Finance

Higher Education - Adult Correctional Institutions - Job Training and Education

This bill requires, in accordance with funding recommendations of the Justice Reinvestment Oversight Board, a post-secondary education and workforce training program to provide inmates with the requisite training, certifications, and experience to obtain careers in in-demand job sectors if the Justice Reinvestment Oversight Board makes this funding recommendation. The Justice Reinvestment Oversight Board may recommend that specified remaining savings associated with a prison population decline be used for the development and implementation of this post-secondary education and workforce training program.

Fiscal Summary

State Effect: None. The Correctional Education Council (CEC) already provides post-secondary education and workforce training programs to provide inmates with the requisite training, certifications, and experience to obtain careers in in-demand job sectors. Authorizing the Justice Reinvestment Oversight Board to recommend the distribution of a portion of savings for the development and implementation of a post-secondary education and workforce training program may result in additional funding for the program, but the board is not required to make the recommendation and the Governor is not required to follow the board's recommendations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: CEC is under the joint jurisdiction of the Department of Labor, Licensing, and Regulation (DLLR) and the Department of Public Safety and Correctional Services (DPSCS). The council must develop and recommend an educational and workforce training program for adult correctional institutions in the State. The council must also adopt regulations for a mandatory education program for inmates who fail to attain specified minimum educational standards as well as regulations for a mandatory workforce skills training program. Further, the council must advocate and promote the interests of educational programs and workforce skills training opportunities in correctional institutions and regularly review these programs to ensure that educational and training needs of inmates are being met.

Justice Reinvestment Oversight Board: Chapter 515 of 2016 requires the Justice Reinvestment Oversight Board, in collaboration with DPSCS, to determine the annual savings from the implementation of the recommendations of the Justice Reinvestment Coordinating Council (JRCC) based on the difference between the prison population as measured on October 1, 2017, the baseline day, and the prison population as measured on October 1, 2018, the comparison day, and the variable cost of incarceration. If the prison population on the comparison day is less than the prison population on the baseline day, the board must determine a savings based on the difference in the prison population multiplied by the variable cost. The board must annually determine the difference between the prison population on October 1, 2017, and the prison population on October 1 of the current year and calculate any savings based on the difference in the prison population multiplied by the variable cost. If a prison population decline causes a correctional unit, wing, or facility to close, the board must conduct an assessment to determine the savings from the closure.

The board must recommend annually that the savings be distributed as follows: (1) *up to* 50% to the Performance Incentive Grant Fund for implementation of the JRCC recommendations and (2) the remaining amount for additional services identified as reinvestment priorities in JRCC's final report. However, the Governor is not required to follow the board's recommendations. Thus, the Governor has significant discretion as to how to use the savings.

Background: According to CEC's 2016 annual report, the 21,300 inmates in Maryland correctional institutions read, on average, at between the fifth and eighth grade reading levels, and fewer than half do not have a high school diploma when they enter. On average, 3,200 inmates are served each day by correctional educational programs, with about 13,000 receiving services each year. The fiscal 2018 State operating budget includes \$18.8 million for academic, occupational, and transition training, and library services to inmates in State correctional institutions. In fiscal 2016, the Correctional Education

Program awarded 471 students a high school diploma, and 893 students received occupational certificates preparing them for employment upon their release.

CEC provides inmates with training, certifications, and experience through 41 occupational classes in 10 institutions. These occupational programs are vetted by CEC with input from the business community. CEC is also kept abreast of post-secondary education self-pay programs in three institutions.

DLLR, in partnership with DPSCS, provides the following occupational courses: architectural CADD, pre-apprenticeship electrical, auto body repair, pre-apprenticeship facilities maintenance, automotive maintenance and inspection, pre-apprenticeship HVAC/R, building maintenance, pre-apprenticeship masonry, fabric and upholstery cleaning, pre-apprenticeship plumbing, furniture upholstery, pre-apprenticeship sheet metal, graphic arts and design, pre-apprenticeship welding, introduction to Word and Excel, print communication, office practice and management, roofing, office technology, small engine repair, pre-apprenticeship carpentry, warehouse and distribution, and woodworking and finish carpentry. Within CEC, an Employer Engagement and Occupational/Apprenticeship/Academic Committee evaluates current occupational programs and reviews occupational programs by employers. Thus, DLLR advises that it already has programs that provide inmates with the requisite training, certifications, and experience to obtain careers in in-demand job sectors.

Exhibit 1 shows the total projected savings resulting from implementing JRCC's recommendations; it is these savings that the Justice Reinvestment Oversight Board must recommend to be distributed to the Performance Incentive Grant Fund and to be used for other JRCC priorities and, under the bill, may be used for the development and implementation of a post-secondary education and workforce training program for inmates.

Exhibit 1
Projected Incarceration Savings for DPSCS
From Implementing Recommendations of JRCC
Fiscal 2018-2022

	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total Projected Savings	\$0	\$4,352,040	\$6,689,760	\$8,214,360	\$8,463,840

DPSCS: Department of Public Safety and Correctional Services
JRCC: Justice Reinvestment Coordinating Council

Source: Department of Legislative Services

As shown in the exhibit, the savings are estimated to be \$4.4 million in fiscal 2019, of which approximately \$2.2 million (assuming the board recommends 50% be distributed to the fund) could be recommended to be used for JRCC's other priorities and, under the bill, for a post-secondary education and workforce training program for inmates. Under the formula, there are no projected savings in fiscal 2018 because the first calculation of savings occurs during fiscal 2019. While the number of beds reduced under the formula increases for the first four years, over time, the number of beds reduced declines. Thus, while the formula savings are anticipated to increase to approximately \$8.5 million in fiscal 2022, by fiscal 2026, the formula savings decrease to an estimated \$1.7 million.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Governor's Office of Crime Control and Prevention; Department of Labor, Licensing, and Regulation; Department of Public Safety and Correctional Services; Department of Legislative Services

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