

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 928
Judiciary

(Delegate Corderman, *et al.*)

Correctional Services - Inmate Release (Suzanne Jones Act)

This bill requires, after an inmate is released from confinement in a State correctional facility, (1) the Division of Correction (DOC) to transport the inmate from the correctional facility to the jurisdiction where the inmate was domiciled immediately prior to the inmate's confinement and (2) the Division of Parole and Probation (DPP) to supervise any required probation, parole, or mandatory supervision of the inmate in the jurisdiction where the inmate was domiciled immediately prior to the inmate's confinement.

Fiscal Summary

State Effect: State finances are not materially affected; however, the bill's requirements result in operational impacts on DOC, as discussed below.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Commissioner of Correction must adopt regulations (1) establishing a release plan for inmates upon release from confinement in a State correctional facility to help identify resources to assist inmates following release, including the provision of transportation from the facility for an inmate upon release, and (2) implementing provisions concerning issuance of an identification card to inmates on release from confinement in a State correctional facility. The Commissioner of Correction must issue an identification card to an inmate before release from confinement in a State correctional facility.

The Code of Maryland Regulations (COMAR) specifies that a parole release plan must be completed before a parole hearing. A release plan must include the name of the parolee's employer or evidence of other legitimate means of financial support, the location at which the parolee will reside, and the nature of any community services necessary to meet the special needs of the parolee. In addition, COMAR specifies the following elements of a release plan:

- evidence must be furnished to the Maryland Parole Commission (MPC) that the prospective parolee will be legitimately employed following release; however, the employment requirement may be waived by MPC where circumstances warrant a waiver;
- assurance should be given that necessary aftercare will be available to parolees who are ill or who have any other demonstrated problems in which special treatment may be necessary;
- parolees must be allowed, in the discretion of MPC, to return to their homes, or to go elsewhere, upon such terms and conditions as MPC prescribes; and
- gradual release may be completed through a community-based treatment facility (*i.e.*, halfway house). (MPC may require such placement as a step in the release process.)

MPC must cooperate in making arrangements for concurrent supervision with other jurisdictions when it is feasible and when release on parole appears justified.

State Fiscal Effect: DOC advises that the bill's requirements conflict with best practices related to reentry. Although the bill does not materially affect State finances, the bill has operational impacts on DOC. The effects on DOC's operations are discussed below.

There are three primary ways for an inmate to be released from confinement: parole, mandatory supervision release, and expiration of sentence.

Parole: An inmate who is paroled must provide a "home plan" to the inmate's case manager, which is then investigated and approved by DPP prior to the parolee's release. Currently, the inmate is transferred to the hub closest to *the inmate's intended residency* prior to release. Under the bill, DOC would be required to transport an inmate to the jurisdiction where the inmate was domiciled immediately prior to the inmate's confinement, regardless of the inmate's *intended area for residency*.

Mandatory supervision release: Case management works with such inmates to identify a "home plan" prior to release. In return, the case manager provides the inmate information regarding which DPP office the inmate should report to. Similar to an inmate released on

parole, the inmate is transferred to the hub closest to the *inmate's intended residency* prior to release.

Expiration of sentence: These inmates are released after having served their entire court-ordered sentence. The majority of such inmates will not be completing the terms of their sentence under supervision, so they are under no obligation to report their intended residency prior to release. Such inmates could inform case management and be transferred to the hub closest to their intended residency prior to release; however, they typically do not and are released from the hub closest to the correctional facility in which they are confined. Because such inmates have completed the totality of their sentence, DOC cannot compel that they identify their intended residence prior to release. Thus, DOC would be unable to meet the bill's requirements in these cases.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services;
Department of Legislative Services

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