

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 682

(Senator Washington, *et al.*)

Judicial Proceedings

Correctional Services - Prerelease Unit for Women - Requirement to Operate

This bill requires the Commissioner of Correction to operate a prerelease unit for women within the Division of Correction (DOC).

Fiscal Summary

State Effect: If the existing prerelease program operated by DOC meets the intent of the bill, then the bill has no impact on State operations or finances. However, to the extent that DOC must establish a *separate* prerelease unit for women, general fund expenditures increase significantly, as discussed below. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Commissioner of Correction is statutorily authorized, but not required, to operate a prerelease unit for women. Under this authority, the commissioner must (1) develop comprehensive rehabilitative prerelease services and (2) make these services available to inmates of a prerelease unit for women. These comprehensive rehabilitative prerelease services must:

- assist inmates in improving their education, upgrading vocational skills, and obtaining suitable employment;
- provide inmates with the opportunity to strengthen family and community relationships through extended family leave;

- assist inmates in improving their physical and mental health and reducing any tendency to abuse alcohol or drugs; and
- provide appropriate counseling, instruction, supervision, and medical and psychological treatment as necessary to help inmates achieve stable and productive roles in society.

By contract or purchase of service agreement, DOC may arrange for a person or governmental unit to provide comprehensive rehabilitative prerelease services in a prerelease unit for women.

DOC is not required by statute to provide comprehensive rehabilitative prerelease services systemwide or to make these services available to all prerelease inmates.

Background: DOC currently operates prerelease operations throughout the State correctional system identified as re-entry programs. All inmates due for release have a transition plan. After an inmate is released, the Division of Parole and Probation continues to monitor an inmate's transition plan.

State Expenditures: DOC currently operates a prerelease program for women; however, it is not a *separate* unit. To the extent the bill requires DOC to establish a separate prerelease unit for women, general fund expenditures increase significantly, likely in excess of \$3.4 million annually, to staff the new unit. The bill's potential impact on both the capital budget and the operating budget are described below.

Capital Expenditures

Although the bill has no effect on total capital spending, which is established annually by the Governor and the General Assembly through the capital budget process, funding for other capital projects is reduced due to the capital expenditures incurred if DOC must establish a separate prerelease unit.

Until fiscal 2017, the Department of Public Safety and Correctional Services (DPSCS) operated a prerelease unit for women in Baltimore City; however, the facility is now closed. Since the closure of the facility, all prerelease programming for women has been transferred to the Maryland Correctional Institution for Women in Jessup, where the women are housed throughout the facility. DPSCS advises that the agency currently offers a range and quality of services for women that are substantially equivalent to those offered to men. In January 2020, DPSCS announced its intention to redeploy the now closed Brockbridge Correctional Facility as a prerelease unit for both women and men. However, the Governor's proposed fiscal 2021 budget does not include funding for that facility.

The cost to build a new minimum-security facility cannot be reliably estimated at this time. Although DPSCS advises that construction of a new prerelease unit for women would cost an estimated \$93 million, the Department of Legislative Services (DLS) is unable to independently verify that estimate. DLS advises that construction costs may vary significantly depending on the design of the facility, the location of the facility, and existing infrastructure. For context:

- construction costs for the Dorsey Run Correctional Facility, which opened in 2014 to provide approximately 2,120 new minimum-security beds, totaled approximately \$55 million;
- construction costs for the Youth Detention Center, which opened in 2017 to accommodate approximately 60 pretrial youth detained pending charges, totaled approximately \$36 million; and
- construction of a Therapeutic Treatment Center at the Baltimore Pretrial Complex to provide mental health and substance use treatment services and care to nonviolent offenders is estimated to cost in excess of \$370 million.

Operating Expenditures

To the extent the bill requires DOC to establish a separate prerelease unit for women, general fund expenditures increase for DPSCS to hire correctional officers and other staff necessary to operate the unit. Although the total number of staff needed cannot be reliably estimated at this time, costs are anticipated to be in excess of \$3.4 million annually.

Additional Information

Prior Introductions: HB 715 of 2019 received a hearing in the House Judiciary Committee, but no further action was taken. Its cross file, SB 419, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: HB 608 (Delegate Crutchfield, *et al.*) - Judiciary.

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

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