

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 658
Judiciary

(Delegate Haynes, *et al.*)

Local Correctional Facilities - Requirement for Prerelease Program

This bill requires the governing body of each county that receives State funding for public safety to establish a prerelease program for individuals confined in the jurisdiction's local correction facilities. The bill establishes requirements relating to such a prerelease program.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures for grants to counties to the extent that additional counties provide prerelease services as a result of the bill to individuals who would otherwise remain in a State correctional facility. Revenues are not affected.

Local Effect: The bill is not anticipated to materially affect local government finances in most jurisdictions; however, some jurisdictions may need to establish a prerelease program or alter an existing program to meet the bill's requirements. Thus, expenditures increase in some jurisdictions. Potential minimal increase in local revenues to the extent that counties receive grants from the State for providing prerelease programming as a result of establishing a prerelease program under the bill.

Small Business Effect: None.

Analysis

Bill Summary: On approval of the director of a local correctional facility, an inmate may participate in rehabilitative activities, including (1) job training; (2) drug treatment; and (3) mental health treatment.

At any time during the confinement of an inmate, the sentencing judge (or another judge if the judge is unable to act) may approve the transfer of the inmate to a prerelease center to participate in a prerelease program in accordance with the selection requirements and programs established by the governing body and after a recommendation by the facility director or the director's designee. After the inmate enters the prerelease program, the sentencing judge (or another judge if the judge is unable to act) may order the release of the inmate from custody based on the recommendation of the facility director or the director's designee and the report of the inmate's performance in the prerelease program.

The facility director or the director's designee must collect the earnings of an inmate participating in the prerelease program, less any payroll deduction required by law. From the inmate's earnings, the director may deduct (1) the cost to the county for food, lodging, and clothing for the inmate; (2) actual and necessary food, travel, and other expenses incidental to the inmate's participation in the program; (3) an amount the inmate is legally obligated or desires to pay for the support of a dependent; (4) if applicable, a reasonable amount to repay the State or the county for an attorney appointed by the court; and (5) court-ordered payments for restitution. The director must credit to the inmate's account any remaining balance and dispose of the balance in the inmate's account as the inmate requests and the director approves.

If an inmate violates a trust or a condition that the governing body establishes for conduct or employment, the inmate is subject to removal from the prerelease program and cancellation of any earned diminution of the inmate's term of confinement.

Current Law: The following jurisdictions administer (or are authorized to administer) a prerelease and/or work release program: Allegany; Anne Arundel; Baltimore; Calvert; Carroll; Cecil; Dorchester; Frederick; Garrett; Harford; Howard; Kent; Montgomery; Prince George's; St. Mary's; Washington; and Wicomico counties. The State has a pretrial release and work release program, overseen by the Department of Public Safety and Correctional Services, that operates in Baltimore City.

Chapter 515 of 2016 requires the State to provide to counties a \$45 per day grant for inmates who have been sentenced to the custody of the State but are confined in or who receive reentry or other prerelease programming and services from a local facility.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore City; Montgomery, Washington, and Worcester counties; Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Department of Budget and Management; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2020
mm/lgc

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:

(410) 946-5510

(301) 970-5510