

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
First Reader - Revised

House Bill 127 (Delegate Rosenberg)
 Judiciary and Ways and Means

Maryland Longitudinal Data System Center – Division of Correction – Data Requirement

This bill adds correctional services data, consisting of arrest and incarceration data of the Division of Correction (DOC), to the data collected, analyzed, and reported on by the Maryland Longitudinal Data System (MLDS) Center. To that end, the bill adds DOC within the Department of Public Safety and Correctional Services (DPSCS) to the entities required to provide data to MLDS. The center must conduct research relating to correctional services data. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: General fund expenditures increase by an estimated \$122,400 in FY 2023 and by \$30,000 in FY 2024 and beyond for contractual services to add and analyze the correctional services data, as discussed below. Revenues are not affected.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	122,400	30,000	30,000	30,000	30,000
Net Effect	(\$122,400)	(\$30,000)	(\$30,000)	(\$30,000)	(\$30,000)

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

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: To track incarceration and recidivism outcomes for the State, DOC must exchange records and any other pertinent information that relates to a current or former inmate with the MLDS Center. DOC and the Division of Parole and Probation must establish the duration of data retention.

The MLDS Center must conduct research using correctional services data, expressed in numbers and percentages, including those specified.

The Secretary of Public Safety and Correctional Services (or the Secretary's designee) is added to the governing board of the MLDS Center.

Finally, in addition to currently listed State agencies, the center must include data from MDL and DOC in specified research.

Current Law:

Correctional Services

To increase efficiency in the treatment, management, and rehabilitation of inmates confined in correctional facilities in DOC, DOC and the Division of Parole and Probation (DPP) must exchange records and any other pertinent information that relates to an inmate. DOC and DPP must establish the procedures and methods for the exchange of records and other pertinent information.

Maryland's Criminal Justice Information System

Maryland's Criminal Justice Information System (CJIS) is a computerized repository of criminal history record information governed by the Code of Federal Regulations and Maryland's statute and regulations. The criminal history record information contained in CJIS (also known as a person's "RAP sheet") is used by the courts, law enforcement agencies, prosecutors, and correctional agencies for criminal justice purposes. Federal and State law prescribe the authorized uses of the data, establish rules for preventing unauthorized access, and allow individuals to challenge and correct the database. The use of criminal history record information is also allowed for certain noncriminal justice purposes, such as employment, licensing, public housing, and research. For a fee, a noncriminal justice entity may obtain a criminal history records check through the CJIS Central Repository within DPSCS by submitting an application that includes the subject's fingerprints.

Maryland Longitudinal Data System Center

Chapter 190 of 2010 established MLDS to contain individual-level student data and workforce data from all levels of education and the State's workforce. The legislation also established the MLDS Center within State government to serve as a central repository for the data, to ensure compliance with federal privacy laws, to perform research on the data sets, and to fulfill education reporting requirements and approved public information requests. The MLDS Center is administratively housed within the Maryland State Department of Education.

The purpose of the data system is to facilitate and enable the exchange of student data among agencies and institutions within the State as well as generate timely and accurate information about student achievement that can be used to improve the State's education system and guide decision makers at all levels. The data system allows users to effectively organize, manage, disaggregate, and analyze individual student data and to examine student progress and outcomes over time, including preparation for postsecondary education and the workforce and the need for wraparound services.

The MLDS Center may only use de-identified data in the analysis, research, and reporting conducted by the center. The center may only use aggregate data in the release of data in reports and in response to data requests.

Student data collected by MLDS includes State and national assessments; course taking and completion; grade point average; remediation; retention; degree, diploma, or credential attainment; enrollment; demographic data; juvenile delinquency records; and elementary and secondary school disciplinary records. Criminal records, children in need of assistance records, and medical and health records are specifically excluded from the types of data that MLDS may collect.

The MLDS governing board decides the specifics on incorporating new data elements into MLDS.

Local school systems, community colleges, public four-year institutions of higher education, and State agencies are required to transfer student-level and transcript-level data as well as workforce data to MLDS.

State Expenditures: The MLDS Center advises that additional resources are required to add and analyze the correctional services data. The center advises that hiring additional full-time staff is preferable; however, the requirements of the bill can be met through contractual services.

Thus, general fund expenditures increase by an estimated \$122,400 in fiscal 2023 and by \$30,000 in fiscal 2024 and beyond. This estimate reflects the cost of hiring a contractor team to add correctional services data to the MLDS in fiscal 2023. Specifically, the contractor must work with DOC to identify and document data for collection and develop the data matching routines. For fiscal 2024 and beyond, the estimate reflects \$30,000 in annual research contract funds to contract with individuals with expertise in correctional services and recidivism to conduct research on correctional services data.

This estimate assumes that, with the MLDS Center taking the lead in adding the correctional services data to MLDS, DOC can provide the center with their existing data using existing resources. To the extent that adding correctional services data to MLDS or conducting the required research requires DOC to produce additional data, DOC costs may increase, potentially significantly. These costs could include hiring additional full-time staff. This estimate also assumes that federal and State laws allow the transfer of DOC data to MLDS in the manner and for the purposes stated in the bill.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Longitudinal Data System Center; Maryland State Department of Education; Maryland Department of Labor; Department of Public Safety and Correctional Services; Department of Legislative Services

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