

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 661
 Judiciary

(Delegate J. Lewis)

Workgroup to Study Reentry

This bill establishes the Workgroup to Study Reentry staffed by the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPYVS). The workgroup must (1) study the current role of State and local agencies in the reentry of formerly incarcerated individuals after completing their terms of confinement in State and local correctional facilities and (2) make recommendations regarding policy changes for improvement of reentry in the State. A workgroup member may not receive compensation but is entitled to reimbursement for expenses. The workgroup must report its findings and recommendations to the Governor and the General Assembly by December 31, 2024. **The bill takes effect July 1, 2023, and terminates June 30, 2025.**

Fiscal Summary

State Effect: General fund expenditures increase by \$67,700 in FY 2024 and by \$29,000 in FY 2025. Revenues are not affected.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	67,700	29,000	0	0	0
Net Effect	(\$67,700)	(\$29,000)	\$0	\$0	\$0

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

Local Effect: None

Small Business Effect: None.

Analysis

Current Law:

Release from Division of Correction

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 (ID) card to inmates on release from confinement in a State correctional facility. The Commissioner of Correction must issue an ID card to an inmate before release from confinement in a State correctional facility.

The Code of Maryland Regulations (COMAR) specifies that, when feasible, 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.)

The status of any detainers lodged against an inmate will be investigated so far as reasonably possible, before the parole hearing, and the Office of Public Defender must be notified and encouraged to assist the inmate in the disposition of the detainer. MPC may parole an inmate to meet detainers if the inmate is considered in other respects to meet the required parole criteria. MPC will cooperate in making arrangements for concurrent supervision with other jurisdictions when it is feasible and when release on parole appears justified.

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Performance Incentive Grant Fund

The Performance Incentive Grant Fund within GOCPYVS is intended to make use of the savings from the implementation of Chapter 515 of 2016, the Justice Reinvestment Act, to provide grants for specified programs and services, including providing for pretrial risk assessments, services to reduce pretrial detention, diversion programs, specialty courts, reentry programs, and ensuring that the rights of crime victims are protected and enhanced. Money expended from the fund for programs to reduce recidivism and control correctional costs is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for such purposes. The fiscal 2024 budget, as introduced, includes \$15.8 million for the fund.

State Expenditures: GOCPYVS advises, and the Department of Legislative Services concurs, that it is unable to provide staff for the workgroup with existing resources. Thus, general fund expenditures increase by \$67,657 in fiscal 2024, which reflects the bill's July 1, 2023 effective date. This estimate reflects the cost of hiring one contractual employee to staff the workgroup. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	1.0
Salary and Fringe Benefits	\$59,983
Operating Expenses	<u>7,674</u>
Total FY 2024 State Expenditures	\$67,657

Future year expenditures reflect (1) an increase in the annual salary and employee turnover; (2) an increase in ongoing operating expenses; and (3) termination of the contractual position on December 31, 2024, when the workgroup's final report is due.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

Any expense reimbursements for workgroup members are assumed to be minimal and absorbable within existing budgeted resources.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 499 (Senator West) - Judicial Proceedings.

Information Source(s): Governor's Office of Crime Prevention, Youth, and Victim Services; Department of Legislative Services

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js/lgc

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