

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 860 (Senator Corderman)
Judicial Proceedings

**Department of Public Safety and Correctional Services - Study on Location of
Individuals Prior to and Following Incarceration**

This bill requires the Department of Public Safety and Correctional Services (DPSCS) to conduct an annual study on the location of individuals before and following incarceration in a State correctional facility. DPSCS must report the results of the study to specified legislative committees by October 1, 2025, and each October 1 thereafter.

Fiscal Summary

State Effect: DPSCS can conduct the annual study and prepare the annual report with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The study must include:

- data on the county of residence of each individual released during the previous year, as reported by the individual on intake to the facility;
- data on the county of release following incarceration;
- for individuals who were transferred from one State correctional facility to another prior to release, the number of days that the transfer occurred before release; and

- a comparison of (1) the number of individuals released from a State correctional facility into the same county in which they resided prior to incarceration; (2) the number of individuals released from a State correctional facility into the same county in which conviction occurred; and (3) the number of individuals released from a State correctional facility into the county in which they were incarcerated at the time of release.

Current Law:

Release from Division of Correction

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

Current regulations specify 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, current regulations specify 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 incarcerated individual 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 incarcerated individual in the disposition of the detainer. MPC may parole an incarcerated individual to meet detainers if the incarcerated individual 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.

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

Performance Incentive Grant Fund

The Performance Incentive Grant Fund within the Governor's Office of Crime Prevention and Policy 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 2025 budget as introduced includes \$13.1 million for the fund.

Additional Information

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

Designated Cross File: HB 1332 (Delegate Valentine, *et al.*) - Judiciary.

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

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km/lgc

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