

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 37

(Delegate Bartlett, *et al.*)

Judiciary

Judicial Proceedings

Services for Formerly Incarcerated Women - Commission and Pilot Program -
 Establishment

This bill establishes a Commission on Services for Formerly Incarcerated Women, staffed by the Governor’s Office of Crime Prevention and Policy (GOCCP), to create a comprehensive plan for services for formerly incarcerated women. By June 30, 2025, the commission must report its findings and recommendations to the Governor and the General Assembly. In addition, the bill establishes a Pilot Program for Formerly Incarcerated Women to connect formerly incarcerated women to supportive services. GOCCP must oversee the pilot program. For fiscal 2025, the Governor must appropriate funds for the pilot program. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: General fund expenditures increase by \$466,900 in FY 2025 to operate the pilot program, which includes costs for staff and assumes \$300,000 in grant awards; future years reflect inflation and ongoing costs, including \$300,000 annually in grant awards. Revenues are not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	466,900	450,300	457,100	464,000	471,200
Net Effect	(\$466,900)	(\$450,300)	(\$457,100)	(\$464,000)	(\$471,200)

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

Local Effect: Local grant revenues (and corresponding expenditures) increase by an estimated total of \$300,000 annually across three jurisdictions.

Small Business Effect: None.

Analysis

Bill Summary:

Commission on Services for Formerly Incarcerated Women: The commission must (1) study the unique and specific challenges women face when returning to communities after incarceration or detention; (2) gather information from counties regarding their current responses to the challenges formerly incarcerated or detained women face upon reentry; (3) identify all existing programs available to currently and formerly incarcerated women in State agencies; (4) identify service gaps for women who were formerly incarcerated or detained; (5) conduct listening sessions with women who were formerly incarcerated or detained in areas of the State determined to be high-need; and (6) create a comprehensive five-year plan to address the needs of and create solutions for women who were formerly incarcerated or detained in the State.

Commission members may not receive compensation but are entitled to reimbursement for expenses, as specified.

Pilot Program for Formerly Incarcerated Women: The pilot program must (1) issue grants to three jurisdictions to provide navigation services to women who were formerly incarcerated; (2) partner with local organizations to assist women with overcoming barriers that prevent them from identifying and accessing supportive services following incarceration; (3) ensure that local organizations are helping formerly incarcerated women access local services provided by the Maryland Department of Health, the Department of Housing and Community Development, the Department of Human Services, the Maryland Department of Labor (MDL), and any other designated local unit or office the pilot program deems necessary; and (4) ensure that each organization identified above works in partnership to ensure services are provided to formerly incarcerated women. GOCPP must abide by its grant application processes when issuing the required grants under the bill.

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.

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Workforce Development and Adult Learning

MDL's Division of Workforce Development and Adult Learning (DWDAL) oversees Correctional Education throughout Maryland's State correctional facilities. DWDAL's Office of Correctional Education provides career training opportunities "behind the fence." Offerings vary by institution but include training in automotive skills, barbering, construction, and welding. All occupational courses lead to a portable, industry-recognized credential that contributes to an inmate's employability after release. In addition to occupational programming, the Office of Correctional Education oversees academic and

transitional courses throughout Maryland's prisons. Academic programming includes GED preparation ahead of earning a Maryland high school diploma and English as a second language courses. Prior to release, inmates may complete transitional courses to ease their reentrance to society. These offerings include classes in parenting, employment readiness, financial literacy, and life skills.

Chapter 485 of 2022, the Maryland New Start Act of 2022, established the New Start Grant Program in MDL to award grants to at least five eligible organizations to create or support existing entrepreneurship development programs that assist specified formerly imprisoned individuals or specified individuals approved for release by a correctional facility. The Act also authorized the Department of Commerce, in collaboration with the Governor's Office of Small, Minority, and Women Business Affairs, to administer a microloan program to award collateral-free loans to these formerly or currently incarcerated individuals. The Governor must include an appropriation of at least \$300,000 to the Maryland New Start Microloan Fund and at least \$200,000 for the Maryland New Start Grant Program in the annual budget bill through fiscal 2028.

MDL provides services to returning citizens through the Re-entry Navigator initiative. Re-entry Navigators are a team of employment specialists located within the American Job Centers across the State of Maryland who connect justice-involved job seekers with businesses by planning with pre-release individuals and supporting post-release job seekers. The navigators also continually establish a network of employer contacts who are interested in hiring their clients. More information on the Re-entry Navigator Program can be found on MDL's [website](#).

Performance Incentive Grant Fund

The Performance Incentive Grant Fund within GOCPP 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.

State Expenditures: Although the bill requires the Governor to appropriate funds for the pilot program for fiscal 2025, the General Assembly cannot mandate an appropriation for the upcoming fiscal year, and the bill's language does not provide a dollar amount for funding or provide an objective basis from which to compute the required level of funding; thus, any funding for the pilot program is discretionary.

Even though the language in the bill is not codified, the report for the commission is due June 30, 2025, and the program for formerly incarcerated women is intended to be a *pilot* program, the bill does not include a termination date. Therefore, this analysis assumes that the duties established by the bill are permanent. Accordingly, general fund expenditures for GOCPP increase by \$466,890 in fiscal 2025, which accounts for the bill’s July 1, 2024 effective date. This estimate reflects the cost of hiring one program coordinator and one research analyst to staff the commission and to establish and operate the pilot program. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. It also includes an estimated \$300,000 in grant awards to local jurisdictions (\$100,000 per jurisdiction to three jurisdictions) to provide navigation services to women who were formerly incarcerated.

Positions	2.0
Salaries and Fringe Benefits	\$151,838
Grant Awards	300,000
Operating Expenses	<u>15,052</u>
Total FY 2025 State Expenditures	\$466,890

Future year expenditures reflect (1) annual increases in salaries and employee turnover; (2) annual increases in ongoing operating expenses; and (3) \$300,000 annually in grant awards.

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

Additional Information

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

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Frederick, and Montgomery counties; Maryland Department of Health; Department of Housing and Community Development; Department of Human Services; Maryland Department of Labor; Department of Public Safety and Correctional Services; Governor’s Office of Crime Prevention and Policy; Department of Legislative Services

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