

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 632

(Senator M. Washington)

Judicial Proceedings and Budget and Taxation

Rules and Executive Nominations

Correctional Services - Comprehensive Rehabilitative Prerelease Services -
Female Incarcerated Individuals (The Monica Cooper Prerelease Act)

This emergency bill (1) alters the specifications for the prerelease unit for women within the Division of Correction; (2) establishes requirements for the Department of General Services (DGS) relating to proposals for construction of the facility; (3) establishes requirements for the contract awarded to build the prerelease unit; (4) alters the requirements and timeline for the comprehensive rehabilitative services that must be made available for female incarcerated individuals; and (5) requires the Department of Public Safety and Correctional Services (DPSCS) to provide progress reports to specified legislative committees on its compliance with the bill and the progress of construction of the prerelease unit for women.

Fiscal Summary

State Effect: No material effect anticipated in FY 2025. While DPSCS and DGS can likely implement the bill with existing staff, the bill likely results in a significant delay in the completion of the prerelease unit as well as a *significant* increase in project costs. While there is no effect on *total* capital spending, funding for other capital projects is reduced or delayed due to the increase in project costs resulting from the bill. Revenues are not affected.

Local Effect: Minimal or none.

Small Business Effect: Minimal or none.

Analysis

Bill Summary:

Location and Facility Requirements

The prerelease unit for women must be (1) located in Baltimore City on a site that is not less than three acres in land area and (2) able to accommodate the administration, housing, programming, and required services, as specified, for not fewer than 1.25 times the number of women at the Maryland Correctional Institution for Women (MCI-W) who were eligible for prerelease status in calendar 2023 as reported by DPSCS in its October 2024 report to the Senate Budget and Taxation Committee and the House Appropriations Committee.

Requirements for Proposals and the Awarded Contract

By June 1, 2025, DGS must review and evaluate any proposals currently in possession of DPSCS for compliance with the facility requirements in § 3-301 of the Correctional Services Article (which establishes requirements for the prerelease unit for women), as altered by the bill. If no current proposal satisfies those requirements, in accordance with the expedited procurement process under § 13-108 of the State Finance and Procurement Article, DGS must, by August 1, 2025, issue a request for proposals for the planning, design, and construction of a prerelease unit for women, as required under § 3-301 of the Correctional Services Article. DGS must (1) review and evaluate proposals in consultation with DPSCS (2) award a contract to a provider as soon as practicable.

A request for proposals issued under the bill must accurately and completely describe, to the extent practicable, the location, uses, and timeline for deliverables toward completion of the project. In addition, the contract awarded to build a prerelease unit for female incarcerated individuals must (1) comply with the requirements in § 3-301 of the Correctional Services Article, as altered by the bill, and (2) to the extent practicable, include specified housing units, rooms, spaces, facilities, offices, and amenities.

Comprehensive Rehabilitative Prerelease Services

The bill expands the requirements for the comprehensive rehabilitative prerelease services that must be made available for female incarcerated individuals. In addition to existing requirements, the comprehensive rehabilitative prerelease services must use evidence-based programs and practices and innovative programs and practices to ensure the individual has pertinent documents, including a birth certificate, a Social Security card, health insurance information, medical records, and a driver's license or State identification card, at release.

The required evidence-based and gender-responsive services – as expanded by the bill – must be (1) made available to *all* female incarcerated individuals with prerelease status, regardless of which facility the female incarcerated individual with prerelease status is currently assigned and (2) provided to eligible individuals before the final construction and occupation of the required prerelease unit for women. On completion of construction and occupation of the prerelease facility, the required services may not require that a female incarcerated individual receive transport in order to access the services.

By September 1, 2025, DPSCS must develop a plan to provide comprehensive gender-responsive services to eligible individuals on-site at MCI-W.

Progress Reports

By July 1, 2025, DPSCS must provide a preliminary report to specified legislative committees on the progress the department has made to comply with the bill, as specified. By September 1, 2025, DPSCS must provide an update to specified legislative committees on the progress of the construction of the prerelease unit.

Definitions

The bill establishes definitions for “eligible individual,” “gender-responsive services,” and “prerelease and reentry services.” “Eligible individual” means an incarcerated individual with prerelease status at MCI-W. “Gender-responsive services” means programs that recognize the specific needs of incarcerated women in prerelease status regarding their psychological development, socialization, culture, exposure to trauma, and life experiences to reduce criminogenic risks and support successful reentry, recovery, and recidivism reduction. “Prerelease and reentry services” means programs that are tailored to address the specific needs of eligible individuals.

Current Law:

Prerelease Unit for Women: Chapter 16 of 2021 requires the Commissioner of Correction within DPSCS to operate a comprehensive rehabilitative prerelease unit for women that is a separate structure in which specified services are provided, has security features for specified female incarcerated individuals, and matches security level on a validated gender-responsive risk measure. DPSCS was required by statute to (1) identify a location, as specified, acquire property, and design a site plan for the unit by June 1, 2021; (2) begin construction or renovation of the facility by September 1, 2021; and (3) begin operating and providing services in the facility by June 1, 2023. In determining where to place a prerelease unit for women, the Commissioner must determine into which area, defined by zip codes, the largest percentage of incarcerated individuals will likely be released. The prerelease unit must be located in or adjacent to the zip codes identified.

An incarcerated individual assigned to a prerelease unit for women may have access to the community for the purpose of (1) engaging in or seeking employment; (2) participating in educational programs or vocational training, community or civic activities, volunteer work, athletic competition; or (3) making personal or family visits.

The Commissioner of Correction must make evidence-based and gender-responsive services available to female incarcerated individuals at the prerelease unit for women. The comprehensive rehabilitative prerelease services must utilize evidence-based programs and practices and innovative programs and practices to:

- assist female incarcerated individuals in improving their education, upgrading vocational skills, and obtaining suitable employment through classes to earn industry certification or community college credits, workforce training, and job placement;
- provide female incarcerated individuals with the opportunity to strengthen family and community relationships through extended family leave, parenting workshops, and family reunification assistance;
- provide integrative and gender-responsive services, including medical treatment, trauma-informed counseling, mental health treatment, and substance use disorder treatment to address overall health and trauma needs and help female incarcerated individuals achieve stable and productive roles in society; and
- develop individualized and comprehensive reentry plans involving community provider partnerships for female incarcerated individuals to reduce barriers to obtaining housing, jobs, education, health care, child care and child welfare, transportation, legal advocacy, case management, and other needs.

“Evidence-based programs and practices” means programs proven by scientific research to reliably produce reductions in recidivism. “Innovative programs and practices” means programs that do not meet the standard of evidence-based practices, but which preliminary research or data indicates will reduce the likelihood of offender recidivism.

Workforce Development and Adult Learning: The Maryland Department of Labor’s (MD Labor) Division of Workforce Development and Adult Learning (DWDAL) oversees Correctional Education throughout Maryland’s State correctional facilities. DWDAL’s Office of Correctional Education (OCE) 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 incarcerated individual’s employability after release. In addition to occupational programming, OCE oversees academic and transitional courses throughout Maryland’s correctional facilities. Academic programming includes GED preparation ahead of earning a Maryland high school diploma and English as a second

language courses. Prior to release, incarcerated individuals may complete transitional courses to ease their reentrance to society. These offerings include classes in parenting, employment readiness, financial literacy, and life skills.

MD Labor 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 who connect justice-involved job seekers with businesses by planning with prerelease individuals and supporting postrelease 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 Initiative can be found on MD Labor's [website](#).

Required Documents: The Commissioner of Correction must issue an ID card to an incarcerated individual before release from confinement in a State correctional facility. The ID card must meet the requirements for secondary identification for the purpose of an ID card issued by the Motor Vehicle Administration under § 12-301 of the Transportation Article. In addition, pursuant to Chapter 514 of 2020, the Commissioner of Correction must obtain an incarcerated individual's birth certificate and Social Security card after taking custody of an incarcerated individual (unless the incarcerated individual does not consent).

Expedited Procurement: Generally with specified exceptions, a State agency's procurement officer, with the approval of the head of the agency and the Board of Public Works (BPW), may make a procurement on an expedited basis if the head of the agency and BPW find that (1) urgent circumstances require prompt action; (2) an expedited procurement best serves the public interest; and (3) the need for the expedited procurement outweighs the benefits of making the procurement on the basis of competitive sealed bids or competitive sealed proposals. The procurement officer must attempt to obtain as much competition as reasonably possible.

A noncompetitive source selection may be made if the time between the date the need to make an expedited procurement first became known to the procurement agency and the date when the contract must be begun is insufficient to permit a competitive solicitation, or for some other reason that precludes use of competitive solicitation.

State Expenditures:

Background: As noted above, Chapter 16 required DPSCS to (1) identify a location, as specified, acquire property, and design a site plan for the prerelease unit by June 1, 2021; (2) begin construction or renovation of the facility by September 1, 2021; and (3) begin operating and providing services in the facility by June 1, 2023. The bill does not alter those deadlines. The project is significantly behind schedule for several reasons, including changes to the site location and DPSCS not utilizing its appropriations in a timely manner.

As a result, the prerelease center for women remains in the planning and design phase; the bid process is underway through the Office of State Procurement for the design of the facility at its current approved location. According to DGS, to date, the State has spent approximately \$350,000 on architectural and engineering services for the project, and a total of approximately \$9.0 million (\$2.0 million in general funds and \$7.0 million in general obligation bonds) has been allocated for the project.

Although the planned facility has been delayed, DPSCS is still required to provide evidence-based and gender-responsive services to incarcerated women in its custody. Project FRESH is the temporary prerelease program for women at MCI-W. The program provides a dedicated housing unit with privileges and programming aimed at preparing incarcerated females for reentry into society. Participants have access to educational and vocational training, trauma-informed therapy, parenting workshops, and substance use treatment, among other opportunities. Community partners also play a significant role in running the program through legal assistance, financial literacy training, and employment support. Project FRESH also offers limited work release due to the operational challenges associated with running a prerelease program out of a high security facility.

DPSCS also operates the Reentry Passport Program as a pilot program to provide all previously incarcerated individuals with access to an online portal after release to store and retrieve pertinent documents, including a Social Security card and a birth certificate.

Capital Expenditures: DPSCS advises that the current planned location for the facility does not meet the bill's requirements of being located on a site in Baltimore City that is not less than three acres in land area. Therefore, under the bill, DPSCS needs to restart the planning and design phase for the facility, which delays the completion of the project and increases costs.

Construction for the currently planned prerelease center is scheduled to begin in fiscal 2028 and is expected to be completed in fiscal 2030. The current cost estimate is \$93.9 million. Because the location, design, and infrastructure of the facility need to change as a result of the bill, costs increase, likely significantly, beginning as early as fiscal 2026. A reliable estimate of any such increase cannot be made at this time; however, DGS estimates that property acquisition, demolition, environmental remediation, and site development for a new site could total millions of dollars and delay the completion of the project by at least three to four years. DGS further advises that any delay in construction results in an increase in project costs.

Although the bill has no effect on total capital spending, which is established annually by the Governor and the General Assembly through the capital budget process, funding for other capital projects is reduced or delayed due to the increase in capital expenditures

incurred to acquire property, redesign, and construct the prerelease unit for women in accordance with the bill's requirements.

Operating Expenditures: DPSCS can likely implement the bill's changes with existing staff. With respect to the programming and services required by the bill, DPSCS advises that the programming and services it currently offers likely meet all of the bill's requirements. In addition, DPSCS can complete the required plan and progress reports using existing budgeted resources.

DGS has expended considerable staff resources on the current project design and plan. As a result of the bill's changes, DGS likely needs to reallocate staff resources from other projects, which affects the department's ability to manage other State projects efficiently. However, DGS can likely handle the bill's requirements with existing staff. To the extent existing staff prove insufficient, DGS may request additional resources through the annual budget process.

Additional Information

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

Designated Cross File: HB 1198 (Delegate Crutchfield, *et al.*) - Judiciary.

Information Source(s): Baltimore City; Governor's Office of Crime Prevention and Policy; Maryland Department of Labor; Maryland Department of Health; Maryland Department of Transportation; Department of General Services; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2025
caw/lgc Third Reader - April 5, 2025
Revised - Amendment(s) - April 5, 2025
Revised - Updated Information - April 5, 2025

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