

Department of Legislative Services

Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE

Third Reader - Revised

House Bill 1198

(Delegate Crutchfield, *et al.*)

Judiciary

Judicial Proceedings and Budget and Taxation

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

This bill (1) alters the required location and timeline for the design, construction, and operation of the prerelease unit for women within the Division of Correction; (2) alters the requirements for the comprehensive rehabilitative services that must be made available for female incarcerated individuals at the prerelease unit and requires the services to be implemented by July 1, 2026; (3) requires the Commissioner of Correction to make the required services available to *all* female incarcerated individuals with prerelease status and all female incarcerated individuals at the prerelease unit; (4) requires, by January 1 each year, the Social Work Unit within the Department of Public Safety and Correctional Services (DPSCS) to report to the Governor and the General Assembly a detailed overview of the services provided, as specified; (5) authorizes the use of up to \$500,000 of the funds received from the Performance Incentive Grant Fund (PIGF) for costs to implement the required services; and (6) requires DPSCS, by June 1, 2026, to provide an update on the progress of the construction of the prerelease unit to specified legislative committees. **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: Although it is unlikely that DPSCS can meet the bill's deadlines without exemptions from the State capital project procurement process, general fund expenditures increase significantly beginning in FY 2027 to provide the required services. No effect on total capital spending; however, funding for other capital projects is reduced or delayed due to higher project costs caused by the bill. Revenues are not affected.

Local Effect: None.

Small Business Effect: Minimal or none.

Analysis

Bill Summary: The bill repeals the requirement for DPSCS 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. Instead, DPSCS must (1) identify a location, acquire property, and design a site plan for the prerelease unit for women by December 31, 2025; (2) begin construction or renovation of the facility by July 1, 2026; and (3) begin operating and providing services in the facility by June 1, 2027.

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 not fewer than the largest number of women 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.

The bill expands the requirements for the comprehensive rehabilitative prerelease services that must be made available for female incarcerated individuals at the prerelease unit for women. In addition to existing requirements, the comprehensive rehabilitative prerelease services must use evidence-based programs and practices and innovative programs and practices to:

- ensure female incarcerated individuals at the prerelease unit for women are screened for public health benefits eligibility and assist with public health benefits applications;
- ensure that each female incarcerated individual at the prerelease unit for women has secured stable housing that is reasonably expected to remain available to the individual and her dependents for at least one year after release;
- engage female incarcerated individuals in education, training, or employment activities to prepare the individual to have appropriate and sufficient income to live independently after release; and
- 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 comprehensive rehabilitative services – as expanded by the bill – must be provided at the prerelease unit for women and may not require that a female incarcerated individual obtain services at (1) a different facility for women; (2) a facility that treats or houses both male and female incarcerated individuals; or (3) a facility that houses incarcerated individuals that are not eligible for prerelease status.

Finally, the bill establishes a definition for “gender-responsive services.” “Gender-responsive services” means programs that recognize and account for the differences between men and women in psychological development, socialization, culture, exposure to trauma, life experiences, and criminogenic risks to support successful reentry, recovery, and recidivism reduction.

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).

Performance Incentive Grant Fund: PIGF within the Governor’s Office of Crime Prevention and Policy (GOCPP) is intended to make use of the savings from the HB 1198/ Page 4

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 2026 budget as introduced includes \$11.2 million for the fund.

State Expenditures: 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 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. To date, the State has spent approximately \$9.0 million (\$2.0 million in general funds and \$7.0 million in general obligation bonds) 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 the Maryland Correctional Institution – Women (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 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. As the process for property acquisition and planning for the facility to meet the requirements of Chapter 16 has already exceeded four years, it is unlikely that the deadlines established by the bill – with respect to property acquisition, design, construction, and operation – can be met.

The bill's potential impact on both the capital budget and the operating budget are described below.

Capital Expenditures

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. To the extent that the location, design, and infrastructure of the facility need to change as a result of the bill, costs increase, likely significantly, beginning in fiscal 2026. A reliable estimate of any such increase cannot be made at this time.

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 to the extent any additional capital expenditures are incurred to acquire property, redesign, and construct the prerelease unit for women in accordance with the bill's requirements.

Operating Expenditures

Department of Public Safety and Correctional Services: With respect to costs related to services, it is unclear whether the current services offered by DPSCS meet all of the bill's requirements for the implementation of comprehensive rehabilitative prerelease services by the bill's deadline of July 1, 2026 (which is before the June 1, 2027 requirement in the bill for DPSCS to begin operating and providing services in the facility); DPSCS did not provide additional information on this issue for inclusion in this analysis.

The Department of Legislative Services notes that DPSCS currently operates (1) 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, and (2) the Project FRESH prerelease program at MCI-W, as described above. Nevertheless, this analysis assumes that DPSCS must expand some services offered as a result of the bill. Because it is unlikely that a facility that meets the bill's requirements will be constructed and operational by July 1, 2026 (the date by which DPSCS must implement the services as expanded by the bill), this analysis assumes – even though the bill states that such services must be provided *at the prerelease unit for women* – that DPSCS expands the prerelease services offered at MCI-W, beginning July 1, 2026, until a facility that meets the bill's requirements is constructed and operational. Thus, general fund expenditures increase, likely significantly, beginning in fiscal 2027 for DPSCS to provide the required additional services. To the extent DPSCS uses funds from PIGF for this purpose, as authorized by the bill, the need for general funds could be less.

This analysis assumes that DPSCS can complete the required reports with existing resources.

Maryland Department of Labor: As noted above, OCE oversees academic and transitional courses throughout Maryland's correctional facilities. The bill's expansion of required services to include engaging female incarcerated individuals in education, training, or employment activities to prepare the individual to have appropriate and sufficient income to live independently after release means an expansion of OCE programming.

Although the bill requires DPSCS to implement the required comprehensive rehabilitative prerelease services by July 1, 2026, at the prerelease unit for women, as discussed above, such a facility is unlikely to be operational by that date. Accordingly, this analysis assumes that OCE begins operating programming that meets the bill's requirements at MCI-W until the new facility is constructed and operational. The Project FRESH program has struggled with low participation rates (as of July 2024, only slightly more than one-third of eligible female incarcerated individuals – 31 out of 81 – have opted into the program) and it is difficult to predict if participation rates will increase without experience under the bill or additional information from DPSCS. Nevertheless, to the extent that OCE expands its programming for women at MCI-W as a result of the bill, general fund expenditures increase, likely significantly, beginning in fiscal 2027. To the extent that OCE further expands programming in the new facility to meet the bill's requirements, general fund expenditures increase further for equipment and staff. A reliable estimate of any such increase cannot be made at this time.

Governor's Office of Crime Prevention and Policy: PIGF may currently be used for reentry programs; therefore, GOCPP can handle the bill's changes with existing resources.

Additional Information

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

Designated Cross File: SB 632 (Senator M. Washington) - Judicial Proceedings and Budget and Taxation.

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

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