



Department of Public Safety and Correctional Services

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BILL: HOUSE BILL 1233

POSITION: LETTER OF INFORMATION

EXPLANATION: This bill requires (1) the Division of Correction (DOC) offer and screen for access to private mediation for inmates in State correctional facilities who are within one year of release; (2) the DOC shall work with an inmate who is within six months of release to ensure materials are available for the inmate to apply for benefits from the Motor Vehicle Administration (MVA), social services, and medical assistance; and (3) the DOC shall provide the inmate with transportation passes and a 30-day supply of prescription medication upon release. **For over a decade, the Department has had a Memorandum of Understanding (MOU) with both the Motor Vehicle Administration (MVA) and the Social Security Administration (SSA) to provide MVA IDs and Social Security cards, respectively, to eligible inmates.**

COMMENTS:

- The Department of Public Safety and Correctional Services (DPSCS) primary mission is to oversee the Division of Correction (DOC), which houses inmates sentenced to terms of incarceration exceeding 18 months, the Division of Parole and Probation, and the Baltimore City Pretrial Complex.
- Recognizing the significance of reentry services, Secretary Green established the Assistant Secretary of Reentry Programs and Services to elevate reentry services for all inmates. The Department currently provides robust reentry services within its correctional facilities **While robust reentry programs and services are critical to the success of returning citizens, HB 1233 poses operational and fiscal challenges as currently drafted.**
- HB1233 will require that an inmate sentenced to more than one year in a State correctional facility be provided certain mediation services within one year of release. In doing so, the inmate must be offered and provided screening for private mediation between the inmate and an individual identified by the inmate.

- o The proposed timeline of an inmate who has been sentenced to more than one year is problematic as every inmate would be included in this population. Conducting screening, vetting the selected individuals, and offering mediation within one year of release may be hampered by other factors.
 - o The proposed timeline of an inmate who has been sentenced to more than one year is problematic as inmates serving one year plus one day would be included in this population. This leaves no time for those who receive sentences of incarceration for just over one year or who receive additional time but earn diminution credits.
 - o Giving the option to an inmate to choose the individual they identify as supporting their re-entry into the community presents a significant safety and security risk, as there may be a prior relationship with the individual, and the inmate may have chosen that individual for nefarious purposes.
 - o More importantly, providing private mediation to an inmate is detrimental to the victim, as it does not afford the victim the opportunity to meet with the offender and share the full impact of how the crime affected their lives.
 - o The Department already utilizes a contractual vendor for mediation services. However, HB 1233 would require mediation services to be delivered on a far greater scale which would have a significant fiscal impact on the agency. The existing contract, which is limited in scope of services, has a fiscal impact of more than \$72,000. Expanding mediation services would result in the need for a new contract and will have a substantial fiscal impact on the Department.
- HB1233 also requires the DOC to provide an inmate within six months of release with appropriate forms including a photo identification card. There is an existing law that already stipulates the issuance of a MVA ID.
 - o Senate Bill 77, that passed during the 2020 legislative session and went into effect on October 1, 2020, requires the DOC to begin the process of obtaining an inmate's birth certificate and a social security card. If these documents are obtained, they shall be provided to the inmate before release. The inmate must consent in writing before the DOC can obtain both of these documents.
 - o It further requires the MVA to issue an identification card at no cost to an individual who presents the (1) identification card

issued by the DOC that displays the individual's full name, photograph, and DOC identifying number, and (2) the individual's Social Security card.

- HB 1233 requires the Department to provide material on enrollment in medical assistance benefits prior to release. The Department exceeds this proposed requirement as it strives to enroll inmates in Medicaid prior to their release to ensure continuity of clinical care post-release.
- HB 1233 requires the Department to provide a one-month supply of any prescribed medication. All individuals who are prescribed medication are already released with a 30-day supply of their medications. In order to maintain continuity of care during the pandemic, inmates with a chronic care condition receive a 60-day supply.
- HB 1233 requires the Department to provide a 90 day supply of public transportation passes to an inmate upon release. This requirement assumes access to public transportation throughout the State, despite a lack of available public transportation in rural and other areas. For example, there is no public transportation between Snow Hill and Berlin. In Allegany County, bus service is available from approximately 5:00 a.m. - 5:00 p.m with limited evening service; and there is specific employment transportation for those working 2nd & 3rd shifts at identified employers.
- Additionally, it is unclear what public transportation this provision would cover (i.e. the light rail, buses, subway, etc.). The Department assumes this would encompass MTA passes, Charm cards, and SmarTrip cards and, if so, the fiscal impact to the Department for providing 90 days of public transportation passes is estimated at **\$1,440,198.00 in those areas where public transportation is readily available.**
- **CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates on House Bill 1233.