

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 828
Judiciary

(Delegate Crutchfield, *et al.*)

Corrections - Women's Prerelease Unit - Requirements (Women's Prerelease
Equity Act)

This bill defines the term “prerelease unit for women,” as it relates to prerelease services provided by the Division of Correction (DOC) within the Department of Public Safety and Correctional Services (DPSCS), to mean a separate structure in which specified services are provided and that has security features for an inmate who presents the least risk of violence, presents the least risk of escape, and has a record of satisfactory institutional behavior. The bill requires the Commissioner of Correction, in determining where to place a prerelease unit for women, to determine into which area, defined by zip codes, the largest percentage of inmates will likely be released. A prerelease unit for women must be located in or adjacent to those zip codes, and an inmate assigned to such a unit may have access to the community for specified purposes. The bill also authorizes the commissioner to delegate to the facility administrator of a prerelease unit for women the authority to grant inmates the privilege of leaving the confines of the unit for the purpose of special leave and compassionate leave.

Fiscal Summary

State Effect: General fund expenditures increase significantly, likely in excess of \$3.4 million annually, for DPSCS to staff a new prerelease unit. No effect on total capital spending, which is established annually by the Governor and the General Assembly through the capital budget process; however, funding for other capital projects is reduced due to the capital expenditures incurred under the bill. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Commissioner of Correction is statutorily authorized to operate a prerelease unit for women. Under this authority, the commissioner must (1) develop comprehensive rehabilitative prerelease services and (2) make these services available to inmates of a prerelease unit for women. These comprehensive rehabilitative prerelease services must:

- assist inmates in improving their education, upgrading vocational skills, and obtaining suitable employment;
- provide inmates with the opportunity to strengthen family and community relationships through extended family leave;
- assist inmates in improving their physical and mental health and reducing any tendency to abuse alcohol or drugs; and
- provide appropriate counseling, instruction, supervision, and medical and psychological treatment as necessary to help inmates achieve stable and productive roles in society.

By contract or purchase of service agreement, DOC may arrange for a person or governmental unit to provide comprehensive rehabilitative prerelease services in a prerelease unit for women.

Subject to regulations adopted by the commissioner, the commissioner may delegate to the facility administrator of a prerelease unit for women the authority to grant inmates the privilege of leaving the confines of the unit for the purpose of:

- engaging in or seeking employment;
- participating in educational programs or vocational training;
- participating in community or civic activities;
- participating in volunteer work;
- participating in athletic competition; or
- making personal or family visits.

When outside the confines of a prerelease unit for women, an inmate must carry, at all times, a copy of the form signed by the facility administrator containing the conditions governing the grant of leave. An inmate on leave is deemed to be in the custody of the commissioner to the same extent and subject to the same supervision and control as an inmate who is actually in confinement. An inmate who escapes while on leave is subject to the penalties for escape. The maximum penalties for the felony of escape in the first degree are a fine of \$20,000 and/or 10 years imprisonment.

Background: DOC currently operates prerelease operations throughout the State correctional system identified as re-entry programs. All inmates due for release have a transition plan. After an inmate is released, the Division of Parole and Probation continues to monitor an inmate's transition plan.

According to the [report](#) on gender-based equity in prerelease programming and facilities in Maryland by the commissioner pursuant to Chapter 60 of 2019, all prerelease programs are offered to both men and women. As of December 18, 2019, there were 1,913 males assigned to prerelease; and 120 females assigned to prerelease. For the female population, 17.5% were assigned to work release, compared to 9% of the male population assigned to work release. Twenty-eight percent of male inmates and 4% of female inmates were assigned to the supervised community-based work details. Men and women are eligible to participate in local reentry programs. At the time of the report, there were no women participating.

DPSCS once operated a prerelease unit for women in Baltimore City; however, the facility is now closed. Since the closure of the facility, all prerelease programming for women has been transferred to the Maryland Correctional Institution for Women in Jessup, where the women are housed throughout the facility. DPSCS advises that the agency currently offers a range and quality of services for women that are substantially equivalent to those offered to men. In January 2020, DPSCS announced its intention to redeploy the now closed Brockbridge Correctional Facility as a prerelease unit for both women and men. However, the Governor's proposed fiscal 2021 budget does not include funding for that facility.

State Expenditures: Under the bill, a prerelease unit for women is defined as a "separate structure" and must be located in or adjacent to an area, defined by zip codes, where the largest percentage of inmates will likely be released. Although DOC already operates a prerelease program for women, it is not a separate structure and it is likely not located in or adjacent to an area where the largest percentage of inmates will be released. While it is unclear whether the unit must be able to be moved based on changes in the prerelease population of women over time, this analysis assumes that DOC must construct space for a prerelease unit for women and provide staff for the unit as a result of the bill. Thus, general fund expenditures increase significantly, likely in excess of \$3.4 million annually, for DPSCS to staff the new unit. The bill's potential impact on both the capital budget and the operating budget are described below.

Capital Expenditures

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 due to the capital expenditures incurred as a result of the bill.

The cost to build a new minimum-security facility cannot be reliably estimated at this time. Although DPSCS advises that construction of a new prerelease unit for women would cost an estimated \$93 million, the Department of Legislative Services (DLS) is unable to independently verify that estimate. DLS advises that construction costs may vary significantly depending on the design of the facility, the location of the facility, and existing infrastructure. As the bill requires a separate structure in which specified services are provided and that has security features for an inmate who presents the least risk of violence, presents the least risk of escape, and has a record of satisfactory institutional behavior, construction costs for such a facility may be less than the DPSCS estimate of \$93 million. For context:

- construction costs for the Dorsey Run Correctional Facility, which opened in 2014 to provide approximately 1,120 new minimum-security beds, totaled approximately \$55 million;
- construction costs for the Youth Detention Center, which opened in 2017 to accommodate approximately 60 pretrial youth detained pending charges, totaled approximately \$36 million; and
- construction of a Therapeutic Treatment Center at the Baltimore Pretrial Complex to provide mental health and substance use treatment services and care to approximately 1,400 nonviolent offenders is estimated to cost in excess of \$370 million.

Operating Expenditures

For DOC to establish a separate prerelease unit for women, general fund expenditures increase for DPSCS to hire correctional officers and other staff necessary to operate the unit. Although the total number of staff needed cannot be reliably estimated at this time, costs are anticipated to be in excess of \$3.4 million annually.

Additional Information

Prior Introductions: As introduced, SB 821 and HB 710 of 2019 had similar provisions. SB 821 was amended and became Chapter 60 of 2019. HB 710 passed the House with amendments and was referred to the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: SB 683 (Senator Washington, *et al.*) - Judicial Proceedings.

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

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Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510