

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 898 (Senator Carter)  
Judicial Proceedings

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Maryland Criminal Justice Debt Elimination and Prevention Act of 2021

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This bill (1) repeals multiple fees for and relating to various criminal justice programs and services, including home detention, pretrial release, work release, electronic monitoring, and ignition interlock; (2) prohibits a court from imposing specified fines, fees, and costs on a defendant, petitioner for expungement, or person under the supervision of the Division of Parole and Probation (DPP); (3) repeals authorization for the court to order payment of restitution to governmental units, as specified; (4) repeals authorization for the Department of Juvenile Services (DJS) to require payment of specified administrative fees; (5) repeals authorization for the Motor Vehicle Administration (MVA) to suspend the driver's license of a specified child support obligor; (6) establishes that the Central Collection Unit (CCU) is not responsible for and may not collect specified money owed relating to a criminal case; and (7) alters the penalty for offenses related to driving without the required security (essentially insurance coverage) as well as offenses related to driving while an individual's privilege to drive is canceled, suspended, refused, or revoked.

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Fiscal Summary

**State Effect:** The net effect on State finances is unclear, as discussed below.

**Local Effect:** Potential significant decrease in county revenues for some counties due to the repeal of authorized fees. County expenditures may increase correspondingly so that the programs and services associated with those fees continue, as discussed below.

**Small Business Effect:** Minimal.

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## Analysis

**Bill Summary/Current Law:** The bill's changes to fees for county programs and services are shown in **Exhibit 1**. The bill's changes to court imposed fines and fees are shown in **Exhibit 2**. The bill's changes to the penalty for driving-related offenses are shown in **Exhibit 3**.

Statutory provisions under current law set forth a process by which the Child Support Administration (CSA) within the Department of Human Services (DHS) may notify MVA if an obligor is out of compliance with a child support order under specified conditions. Prior to doing so, statute includes provisions related to written notice to the obligor, a reasonable opportunity to request an investigation, and the right to appeal, as specified. Upon receiving notice from CSA, MVA must suspend an obligor's license or privilege to drive and may issue a work-restricted license or work-restricted privilege to drive.

MVA must reinstate an obligor's license or privilege to drive if it receives a court order to do so or if CSA notifies MVA that (1) the individual is not in arrears in making child support payments; (2) the obligor has paid the support arrearage in full; (3) the obligor has demonstrated good faith by paying the ordered amount of support for six consecutive months; or (4) the obligor is a participant in full compliance of an employment program approved by CSA. As previously noted, an obligor has the right to request an investigation based on specified grounds prior to information being sent to MVA. MVA must also reinstate the license on notice from CSA that one of these specified grounds exists.

The bill modifies these provisions by eliminating a driver's license suspension as a possible penalty for child support arrearages. Instead, the bill limits the penalty to MVA issuing a work-restricted license or work-restricted privilege to drive and conforms provisions regarding contesting such actions to reflect the change.

**State Fiscal Effect:** The overall fiscal and operational impact of the bill is unclear; however, provided below is information regarding how certain provisions of the bill likely affect State finances and operations.

### *Fees and Restitution – Division of Parole and Probation*

The bill prohibits the imposition and collection of a number of fees by DPP. Specifically, the bill prohibits the court from imposing any monthly fee on a person that the court places under the supervision of DPP and prohibits DPP from collecting fees from a person under its supervision, including fees for drug or alcohol abuse testing and DDMP supervision fees. For fiscal 2020, the Department of Public Safety and Correctional Services (DPSCS)

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**Exhibit 1**  
**County Program Fees Repealed by the Bill**

**Program Authorized**

**Jurisdiction**

Community Service  
Home Detention Program

Howard County<sup>2</sup>  
Allegany,<sup>1</sup> Anne Arundel,<sup>1</sup> Carroll,<sup>2</sup> Cecil,<sup>1</sup> Garrett,<sup>1</sup> St. Mary's,<sup>2</sup> and Washington<sup>1</sup>  
counties

Prerelease Program  
Pretrial Release Program  
Work Release

Cecil,<sup>1</sup> Montgomery,<sup>2</sup> and St. Mary's<sup>2</sup> counties  
Carroll,<sup>2</sup> Cecil,<sup>1</sup> Howard,<sup>2</sup> St. Mary's,<sup>2</sup> and Washington<sup>1</sup> counties  
Baltimore City<sup>2</sup> and Baltimore,<sup>2</sup> Calvert,<sup>2</sup> Caroline,<sup>2</sup> Carroll,<sup>2</sup> Cecil,<sup>1</sup> Charles,<sup>2</sup>  
Dorchester,<sup>2</sup> Frederick,<sup>2</sup> Garrett,<sup>2</sup> Harford,<sup>2</sup> Howard,<sup>2</sup> Kent,<sup>3</sup> Montgomery,<sup>2</sup>  
Prince George's,<sup>2</sup> Queen Anne's,<sup>2</sup> St. Mary's,<sup>2</sup> Talbot,<sup>2</sup> Washington,<sup>4</sup> Wicomico,<sup>2</sup>  
and Worcester<sup>2</sup> counties

Community Services Alternative  
Sentencing Program Per Diem

Calvert County<sup>1</sup>

<sup>1</sup> Bill repeals program fee only.

<sup>2</sup> Repeal generally includes fees for supervision, administration, food, lodging, transportation, electronic monitoring devices, and/or clothing, as specified.

<sup>3</sup> In addition to fees for participants in the work release program, the bill repeals the authorization for Kent County to collect from an inmate sentenced to the county detention center, for nonconsecutive periods of 48 hours or less, an amount determined to be the average cost to the county of providing food, lodging, and clothing to the inmate.

<sup>4</sup> In addition to the repeal of the program fee, in Washington County, under the bill, if participating in a work release program, an inmate is only responsible for costs for transportation, court ordered restitution, child support, and taxes.

Source: Department of Legislative Services

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**Exhibit 2**  
**Statewide Fees Repealed by the Bill**

**Current Law**

A court may generally order a defendant to pay fines and costs. The Courts and Judicial Proceedings Article (Title 7, Subtitle 5) defines “fine” to mean the monetary penalty prescribed by a statute or ordinance for a crime and “costs” to mean the cost of prosecuting a person for a crime.

A defendant placed in private home detention, as a condition of the defendant’s pretrial release, must pay directly to the private home detention monitoring agency the agency’s monitoring fee.

Unless exempt as specified, the court must impose a monthly fee of \$50 on a person that the court places under the supervision of DPP. The fee is in addition to court costs and fines, and DPP must pay the money collected to the State’s general fund. In addition, DPP may require a person under its supervision to pay for court ordered drug and alcohol testing and any Drinking Driver Monitor Program (DDMP) supervision fees. Failure to make a payment for required drug or alcohol abuse testing may be considered ground for revocation of probation by the court. DPP must (1) adopt guidelines for collecting specified fees and costs; (2) investigate exemption from payment requests on behalf of the court; (3) keep records for all payments; and (4) report delinquencies to the court.

**Under the Bill**

A court may not impose a fine or fee on a defendant for (1) jury costs associated with a circuit court case; (2) court administrative costs associated with a criminal case; or (3) court administrative costs associated with restitution in a criminal case.

A defendant may not be required to pay a fee for home detention monitoring or for a home detention monitoring device if (1) the defendant qualifies for the services of the Office of the Public Defender (OPD) or (2) a private home detention monitoring device or global positioning system (GPS) device is provided by the State or a local jurisdiction.

The court may not impose any monthly fee on a person that the court places under the supervision of DPP. The bill repeals the authorization for DPP to collect fees from a person under its supervision and DPP duties relating to the fees.

### **Current Law**

Section 10-110 of the Criminal Procedure Article authorizes an individual convicted of any of a list of approximately 100 specified offenses or an attempt, a conspiracy, or a solicitation of any of these offenses, to file a petition for expungement of the conviction, subject to specified procedures and requirements.

The court may order that restitution be paid to (1) the victim; (2) the Maryland Department of Health (MDH), the Criminal Injuries Compensation Board (CICB), or any other governmental unit; (3) a third-party payor, as specified; (4) any person for whom restitution is authorized by law; or (5) a person who has provided to or for a victim goods, property, or services for which restitution is authorized, as specified. With specified exceptions, payment of restitution to the victim has priority over any payments to any other person or governmental unit. If the victim has been fully compensated for the victim's loss by a third-party payor, the court may issue a judgment of restitution that directs the restitution obligor to pay restitution to the third-party payor.

For restitution payment, DJS (1) must keep records of payments or return of property in satisfaction of the judgment of restitution; (2) must forward property or payments, as specified, to the person or governmental unit specified in the judgment of restitution; and (3) may require the restitution obligor to pay additional fees not exceeding 2% of the amount of the judgment of restitution to pay for the administrative costs of collecting payments or property.

A court exercising other than criminal jurisdiction must order an indigent individual represented by OPD to reimburse the State for the reasonable value of services rendered to the indigent individual in an amount that the indigent individual may reasonably be able to

### **Under the Bill**

The court may not charge a filing fee for a petition for expungement of an eligible misdemeanor or felony conviction.

The bill repeals the authorization for the court to order that restitution be paid to any governmental unit, with the exception of MDH and CICB.

The bill repeals the authorization for DJS to require the restitution obligor to pay additional fees not exceeding 2% of the amount of the judgment of restitution to pay for the administrative costs of collecting payments or property.

The bill repeals the requirement for a court to order reimbursement to the State for OPD services.

### Current Law

pay. If the indigent individual is a minor, the court must order the parents, guardian, or custodian of the minor to reimburse the State for the reasonable value of services rendered in an amount that the parents, guardian, or custodian may reasonably be able to pay. The court must establish the amount, time, and method of payment. Before ordering reimbursement, a court must grant an opportunity to be heard to the indigent individual or the parents, guardian, or custodian of a minor.

Generally, CCU is responsible for collecting any delinquent accounts or debts owed to the State. However, unless, with the approval of the Secretary of Budget and Management, a unit of State government assigns the claim to CCU, CCU is not responsible for and may not collect (1) taxes; (2) specified child support payments; (3) unemployment insurance contributions or overpayments; (4) fines; (5) court costs; (6) bond forfeitures; (7) monies owed due to default on loans made by the Department of Commerce or the Department of Housing and Community Development; (8) specified insurance payments; or (9) pursuant to Chapter 547 of 2018, money owed for unpaid video tolls and associated penalties, as specified.

An individual required to use an ignition interlock system, as specified, must be monitored by MVA and with specified exceptions, must pay a fee required by MVA.

### Under the Bill

Unless, with the approval of the Secretary of Budget and Management, a unit of State government assigns the claim to CCU, CCU is also prohibited from collecting any money that is owed as a late fee or as an interest charge for a penalty of nonpayment of a fine, fee, or restitution related to a criminal case.

The requirement for an individual to pay a required fee to MVA for an ignition interlock system is repealed.

Source: Department of Legislative Services

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**Exhibit 3**  
**Fine and Prison Term Changes for Violations Affected by the Bill**

<b><u>Violation</u></b>	<b>Maximum Penalty</b>		<b>Maximum Prison Term*</b>	
	<b><u>Current Law</u></b>	<b><u>The Bill</u></b>	<b><u>Current Law*</u></b>	<b><u>The Bill</u></b>
Person driving motor vehicle on a highway or public use property on refused license or privilege	\$1,000	\$50	1 year	None
Person driving motor vehicle on a highway or public use property on canceled license or privilege	1,000	50	1 year	None
Person driving motor vehicle on a highway or public use property on suspended license or privilege	1,000	50	1 year	None
Person driving motor vehicle on a highway or public use property on revoked license or privilege	1,000	50	1 year	None
Person driving motor vehicle on a highway or public use property on canceled out-of-state license	1,000	50	1 year	None
Person driving motor vehicle on a highway or public use property on suspended out-of-state license	1,000	50	1 year	None
Person driving motor vehicle on a highway or public use property on revoked out-of-state license	1,000	50	1 year	None
Person driving motor vehicle while license suspended under specified provisions of State law	500	50	None	None
Person driving motor vehicle while license suspended in another state for failure to appear, failure to pay fine	500	50	None	None
Person knowingly driving uninsured vehicle	1,000	50	1 year	None
Owner knowingly permitting another person to drive uninsured vehicle	1,000	50	1 year	None

\*Maximum prison term shown is for an initial violation under current law; for a second or subsequent offense under current law, the maximum possible prison term increases to two years (for all above offenses except for those where “none” is indicated).

Source: Judiciary (Administrative Office of the Courts); Department of Legislative Services

reports that DPP collected an estimated \$5.2 million in supervision fees, an estimated \$633,000 in drug and alcohol testing fees, and an estimated \$5.0 million in DDMP program fees. Assuming that the collection of fees remains constant, State revenues likely decrease by an estimated \$8.1 million in fiscal 2022 (\$3.75 million special fund/\$4.35 million general fund), which reflects the bill's October 1, 2021 effective date, and by \$10.8 million annually thereafter (\$5.0 million special fund/\$5.8 million general fund). Program fees for DDMP, which are paid to the Drinking Driving Monitoring Fund under § 6-116 of the Correctional Services Article are used to fund a significant portion of DDMP program costs; however, DPSCS also advises that in recent years, general funds have also been needed to cover program costs. It is assumed that general fund expenditures increase correspondingly to the special fund revenue (and corresponding special fund expenditure) decrease in order for DDMP to remain operational after approximately \$5.0 million annually in program fees is no longer available.

#### *Driver's Licenses – Child Support Arrearages*

*Potential Federal Funding Loss:* The federal government reimburses states for a share of child support-related costs pursuant to Title IV-D of the Social Security Act. As a condition of federal funding, a state's plan for child support must meet specified requirements and have in effect laws requiring the use of certain procedures, including those related to the state's authority to withhold or suspend, or to restrict the use of, driver's licenses of individuals owing overdue child support.

As a result, DHS advises that the bill, without approval from the federal government, may result in Maryland becoming out of compliance with federal law. The Governor's proposed fiscal 2022 budget includes \$105.2 million in federal IV-D (child support enforcement) funds. In addition, a state must operate a child support program under an approved federal plan as a condition of receiving Temporary Assistance for Needy Families (TANF) funding. The Governor's proposed fiscal 2022 budget includes \$255.5 million in TANF funds (including \$27.2 million in contingency funding).

If federal funding is lost, it is assumed that general fund expenditures increase correspondingly so that programs and services associated with the federal funds continue. The Judiciary also notes, however, that federal law does allow for a waiver. Specifically, a state has to demonstrate – through specified methods – that use of any procedures otherwise required as a condition of federal funding would *not* increase the effectiveness and efficiency of the state's child support enforcement program. In such circumstances, the Secretary of Health and Human Services may exempt the state from the requirements, subject to continuing review and termination of the exemption should circumstances

change. To the extent that DHS is able to receive an exemption, the federal funding loss is mitigated.

*Reprogramming Costs:* In addition, computer reprogramming changes are necessary for DHS to implement the bill. Accordingly, in fiscal 2022 only, State expenditures (assumed to be general funds) increase by approximately \$64,000 for these changes.

*Child Support Collections:* Temporary Cash Assistance (TCA) recipients must assign their support rights to the state and federal governments as partial reimbursement for payments made on behalf of the children of the obligor. As a result, after specified initial amounts are passed directly to the family, TCA child support collections are distributed 50% to the state and 50% to the federal government. Accordingly, special fund revenues are affected to the extent that the elimination of a driver's license suspension as a possible penalty for noncompliance with child support impacts collections in these cases.

*Fine Revenues and Reinstatement Fees:* These provisions also affect general fund revenues. Because the bill repeals the possibility of a license suspension due to nonpayment of child support, the number of citations issued to individuals driving with a suspended driver's license is likely to decline. An individual convicted of driving with a license that is suspended due to nonpayment of child support is subject to a fine of up to \$500, may not prepay the fine, and must appear in court. Additionally, three points are assessed against the person's license.

In fiscal 2020, MVA *suspended* approximately 14,800 licenses due to child support noncompliance. MVA advises that it charges \$20 for a corrected license with a restriction printed on the license. *For illustrative purposes only*, if 10,000 people choose to obtain a new license with the restriction each year as a result of the bill, Transportation Trust Fund (TTF) revenues increase by \$200,000 annually.

### *Driving Violations*

The bill reduces the penalties for numerous violations related to driving with a canceled, suspended, refused, or revoked license as well as penalties for driving without the required security. The number of violations (and guilty dispositions) for each offense in fiscal 2019 is shown in **Exhibit 4**.

In fiscal 2019, more than 100,000 citations were issued for the offenses affected by the bill. However, the number of guilty dispositions was relatively low (only about 6.3%).

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**Exhibit 4**  
**Citation and Conviction Data for the Violations Addressed by the Bill**  
**Fiscal 2019**

	<u>Violations</u>	<u>Guilty Dispositions</u>
Person driving motor vehicle on a highway or public use property on refused license or privilege	48	3
Person driving motor vehicle on a highway or public use property on canceled license or privilege	23	0
Person driving motor vehicle on a highway or public use property on suspended license or privilege	49,533	2,176
Person driving motor vehicle on a highway or public use property on revoked license or privilege	6,130	540
Person driving motor vehicle on a highway or public use property on canceled out-of-state license	51	1
Person driving motor vehicle on a highway or public use property on suspended out-of-state license	6,763	419
Person driving motor vehicle on a highway or public use property on revoked out-of-state license	1,184	81
Person driving motor vehicle while license suspended under specified provisions of State law	32,618	3,255
Person driving motor vehicle while license suspended in another state for failure to appear, failure to pay fine	1,091	30
Person knowingly driving uninsured vehicle	8,853	221
Owner knowingly permitting another person to drive uninsured vehicle	118	4
<b>Total</b>	<b>106,412</b>	<b>6,730</b>

Source: Judiciary (Administrative Office of the Courts); Department of Legislative Services

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Under the bill, penalties for many of the above citations become prepayable. (The Judiciary treats violations that carry the possibility of prison time as must-appear offenses; by eliminating the possibility of imprisonment, the Judiciary advises that certain offenses under the bill become prepayable.)

Based on data for other traffic offenses, the Department of Legislative Services (DLS) assumes that most citations will be prepaid under the bill rather than contested in court.

Therefore, while the bill *reduces* the maximum fine for the offenses in question, many more individuals are likely to pay a fine. As a result, general fund revenues likely increase under the bill. The exact impact of the bill's changes to general fund revenues cannot be determined without additional data (*e.g.*, the number of individuals who choose to prepay citations under the bill, the amount of the prepayment, the amount of any fines assessed after a court appearance, *etc.*). The Judiciary does not track average fine amounts paid by individuals who are currently found guilty for these offenses; therefore, the overall amount of revenues received from these violations under current law is unknown.

However, *for illustrative purposes only*, assuming each individual who is able to prepay under the bill does so – and that the District Court sets the prepayment penalty at \$50 (*i.e.*, the maximum) – then general fund revenues may increase by as much as \$1.3 million annually. However, if the share of prepayments decreases (to 75% of eligible individuals), then the impact on general fund revenues is less (only about a \$350,000 increase annually).

Given the expected reduction in the number of trials for traffic offenses (due to more individuals likely choosing to prepay), DLS advises that the bill has operational, and possibly fiscal, impacts on State and local law enforcement agencies. Relevant factors that may result in cost savings include a reduction in the need to coordinate schedules for officers required to appear in court for trial, less need for additional coverage in the field for officers who have to attend court, and a reduction in overtime pay for officers due to fewer court appearances under the bill. The bill likely results in operational efficiencies for the District Court as well.

General fund expenditures may decrease minimally beginning in fiscal 2022 due to people no longer being committed to State correctional facilities for convictions in Baltimore City. The number of people currently imprisoned for the violations addressed by the bill cannot be determined but is assumed to be minimal. Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

#### *Restitution – Collection Fee*

The bill makes a number of alterations to the process for collecting restitution in the State. DJS advises that there is no fiscal effect to the agency as a result of the repeal of the authorization for the agency to require a restitution obligor to pay a specified additional 2% collection fee for the administrative costs of collecting payments or property. However, DPSCS advises that DPP collects an average of \$79,000 annually in fees as a result of the agency collecting 2% collection fees for restitution. Such fees are generally included in the budget for DPP.

### *Petition for Expungement Filing Fee*

General fund revenues likely decrease minimally from filing fees for expungement petitions; however, it should be noted that more people likely will file expungement petitions as a result of repealing the filing fee, which may have operational impacts on the Judiciary. The courts charge a \$30 filing fee for expungement petitions that involve charges with guilty dispositions. There is no charge to file a petition for expungement of charges with any other disposition.

In addition, computer reprogramming changes are necessary for the Judiciary to implement the bill. Accordingly, in fiscal 2022 only, general fund expenditures increase by approximately \$9,804 for these changes.

### *Court Authorized Fees and Central Collection Unit*

The bill prohibits the imposition of fines and fees for jury costs and court administrative costs and prohibits CCU from collecting any money owed as a late fee or interest charge for a penalty of nonpayment of a fine, fee, or restitution related to a criminal case. Without actual experience under the bill and information regarding the extent to which such fines and fees are imposed now for “jury costs” and “court administrative costs,” it is not possible to determine the bill’s effect on State finances; however, the effect could be significant.

### *Baltimore City Work Release Program*

As noted above, persons in Baltimore City are generally incarcerated in State correctional facilities as the Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions. DPSCS advises that based on preliminary data, approximately \$500,000 was deducted from the net earnings of inmates in the Baltimore City work release program for the cost to the State of providing food, lodging, and clothing the inmate.

### *Other Provisions*

The following provisions are not anticipated to materially affect State finances:

*Restitution to Any Governmental Unit:* The bill repeals the authorization for the court to order that restitution be paid to any other governmental unit with the exception of MDH and CICB. While an agency that is a victim of a criminal act may not receive restitution for any costs as a result of the criminal act, orders for restitution to governmental units are not assumed to be significant.

*Reimbursement to Office of the Public Defender:* The bill repeals the requirement for a specified court to order an indigent individual represented by OPD to reimburse the State

for the reasonable value of services rendered to the individual in an amount that the individual may reasonably be able to pay. Since it is assumed that the court is not ordering indigent individuals to pay significant fees to the State for OPD representation, it is assumed that general fund revenues are not significantly impacted.

*Home Detention Monitoring:* A private home detention monitoring agency (PHDMA) is a private business that provides monitoring services for a fee to individuals who are under a court order that requires monitoring by a private home detention monitoring agency. PHDMAs are licensed by the Secretary of Public Safety and Correctional Services and are audited by the Maryland Commission on Correctional Standards. Assuming these private companies are generally not accepting indigent clients (since they do not have the financial means to pay for these services), such provisions are not expected to materially affect State finances.

While the bill prohibits an indigent defendant from being required to pay a fee for home detention monitoring or for a home detention monitoring device, it does not require any alternate entity to pay these fees and costs. In addition, the bill prohibits a defendant from being required to pay a fee for home detention monitoring or for a home detention monitoring device if a PHDMA device or a global positioning system (GPS) device is provided by the State or a local jurisdiction; however, it does not require the State or local jurisdiction to provide such devices. Thus, this estimate assumes that the bill maintains the status quo as (1) indigent defendants will not be placed on private home detention monitoring under the bill, since a PHDMA will likely refuse to accept an indigent defendant as a client and (2) few other defendants will be provided PHDMA devices or GPS devices under the bill, since the courts will likely take into account the limited resources of the State and local jurisdictions and the costs for such devices when imposing conditions for pretrial release. The courts may choose not to provide pretrial release as an option to some defendants as a result, which may increase pretrial detention rates in Baltimore City. However, without experience under the bill, any impact on detention rates in Baltimore City cannot be reliably estimated.

*Ignition Interlock:* The bill repeals the requirement for an individual required to use an ignition interlock system under a court order to pay a specified required fee. Generally, MVA must establish a fee for the Ignition Interlock System that is sufficient to cover the costs of the program. To the extent that individuals are not required to pay the fee, TTF revenues decrease and TTF expenditures increase to cover the costs of the program.

**Local Fiscal Effect:** The bill repeals various fees in specified counties for various criminal justice programs and services, including community service, home detention, prerelease, pretrial release, and work release. As a result, county revenues decrease, and it is assumed that county expenditures increase correspondingly so that the programs and services

associated with those fees continue. The following information was gleaned from a survey of counties impacted by the bill's provisions.

- Anne Arundel County reports that although the county is authorized to collect specified fees from inmates participating in the county's pretrial services programs, it does not currently collect such fees.
- Charles County advises that while the county is not able to determine the exact fiscal impact to the county, it is likely to be significant. The county currently uses fees collected to offset operating expenditures for the programs. Absent the fees, county expenditures increase.
- Frederick County states that county revenues decrease by approximately \$160,000 annually as a result of the bill. The fees are used to offset the cost of the current programs offered by the county.
- Garrett County reports that it collects approximately \$20,000 in fees from its home detention and work release programs. The fees are used to pay the rental costs on home monitoring equipment and the fees for monitoring.
- Harford County advises that the county no longer administers a work release program; therefore, there is no fiscal impact at this time.
- Kent County states that the bill has no significant impact on the county.
- Montgomery County advises that the bill has no fiscal impact for its pretrial service program; however, the county notes that the prerelease center is impacted, and the associated revenue loss is estimated at approximately \$262,500 annually.
- Prince George's County reports that more individuals could be placed back in detention as a result of the repeal of fees but that the bill does not fiscally impact the county's Department of Corrections.
- St. Mary's County states that the county likely needs to eliminate some pretrial programs as a result of not being able to defray the costs of operating certain programs through the authorized fees. The county expects to collect approximately \$175,000 in home detention fees in fiscal 2022.
- Washington County advises that the repeal of the authorization for the county to collect fees likely results in the elimination of the county's home detention program because the cost otherwise is too great for the county. The county has budgeted approximately \$60,000 for GPS monitoring devices and approximately \$125,000 for its home detention program.
- Wicomico County reports that the changes under the bill have a significant fiscal impact on the county.

In addition, county expenditures may decrease minimally as a result of the bill's removal of certain incarceration penalties. Counties pay the full cost of incarceration for people in

their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$40 to \$170 per inmate in recent years.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** HB 1331 (Delegate D.M. Davis) - Judiciary.

**Information Source(s):** Anne Arundel, Carroll, Charles, Frederick, Garrett, Harford, Kent, Montgomery, Prince George's, St. Mary's, Washington, Wicomico, and Worcester counties; Comptroller's Office; Governor's Office of Crime Prevention, Youth, and Victim Services; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Budget and Management; Department of Human Services; Department of Juvenile Services; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Office of Administrative Hearings; Department of Legislative Services

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