

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 427

(Senators Corderman and McKay)

Judicial Proceedings

Correctional Services - Inmate Release

This bill requires the Division of Correction (DOC), after an inmate is released from confinement in a State correctional facility, to transport the inmate from the correctional facility to the county of the inmate's address that was recorded by the correctional facility in the Offender Case Management System at the time the inmate entered the correctional facility. In addition, the Division of Parole and Probation must supervise any required probation, parole, or mandatory supervision of the inmate in that county.

Fiscal Summary

State Effect: While the bill has an operational impact on DOC, State finances are not materially affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Commissioner of Correction must adopt regulations (1) establishing a release plan for inmates upon release from confinement in a State correctional facility to help identify resources to assist inmates following release, including the provision of transportation from the facility for an inmate upon release, and (2) implementing provisions concerning issuance of an identification (ID) card to inmates on release from confinement in a State correctional facility. The Commissioner of Correction must issue an ID card to an inmate before release from confinement in a State correctional facility.

The Code of Maryland Regulations (COMAR) specifies that, when feasible, a parole release plan must be completed before a parole hearing. A release plan must include the name of the parolee's employer or evidence of other legitimate means of financial support, the location at which the parolee will reside, and the nature of any community services necessary to meet the special needs of the parolee. In addition, COMAR specifies the following elements of a release plan:

- evidence must be furnished to the Maryland Parole Commission (MPC) that the prospective parolee will be legitimately employed following release; however, the employment requirement may be waived by MPC where circumstances warrant a waiver;
- assurance should be given that necessary aftercare will be available to parolees who are ill or who have any other demonstrated problems in which special treatment may be necessary;
- parolees must be allowed, in the discretion of MPC, to return to their homes, or to go elsewhere, upon such terms and conditions as MPC prescribes; and
- gradual release may be completed through a community-based treatment facility (*i.e.*, halfway house). (MPC may require such placement as a step in the release process.)

The status of any detainers lodged against an inmate will be investigated so far as reasonably possible, before the parole hearing, and the Office of Public Defender must be notified and encouraged to assist the inmate in the disposition of the detainer. MPC may parole an inmate to meet detainers if the inmate is considered in other respects to meet the required parole criteria. MPC will cooperate in making arrangements for concurrent supervision with other jurisdictions when it is feasible and when release on parole appears justified.

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Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1275 of 2020.

Designated Cross File: None.

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

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km/lgc

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