



**Department of Public Safety and Correctional Services
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BILL: HOUSE BILL 454

POSITION: LETTER OF INFORMATION

EXPLANATION: This bill would allow pregnant and postpartum women in prerelease status to be housed at the prerelease center for women throughout the duration of the pregnancy and for up to one year postpartum. In addition, postpartum women would be able to reside with their infant for up to one year following the birth of the child. The bill also requires the Division of Correction (DOC) to develop a Healthy Start Bonding Program at the Maryland Correctional Institution for Women (MCI-W) and to offer liberal visitation.

COMMENTS:

- The Department of Public Safety and Correctional Services (Department) oversees the DOC which operates 13 State correctional facilities, housing offenders sentenced to periods of incarceration for 18 months and longer.
- HB 454 will require that all pregnant and postpartum women in prerelease status be housed at the prerelease center for women throughout the duration of the pregnancy and up to one year postpartum.
- The Department operates the Maryland Correctional Institution for Women (MCI-W) that houses female incarcerated individuals.
- At this time, there is no standalone prerelease facility for women. As such, the Department will be unable to comply with the requirements under the bill.
- SB 684 (2020 Session) required the Department to construct and operate a standalone Prerelease Center for Women. The bill was passed by the Maryland General Assembly on March 18, 2020 and was subsequently vetoed by the Governor on May 7, 2020. The legislature overrode the veto on February 11, 2021.

- The Department does not have the authority to initiate a capital construction project that exceeds \$200,000 as that authority falls under the Department of General Services. In addition, funding must be included in the Department's budget in order to initiate the first phase of any capital improvement project (Phase I).
- The Department requested funding to initiate Phase I at the earliest point possible based on the veto and veto override timeline. Specifically, the Department's fiscal year (FY) 2023 budget, as introduced to the Legislature, does include \$150,000 to hire a project consultant and develop the Part I Program. As long as the Department's budget remains intact, the Department will be in a position to hire a project consultant at the beginning of FY 2023.
- DGS estimates that, like other capital improvement projects, fulfilling the capital requirements of SB 684 will take three to four years if the budget is there to support various steps along the way.
- HB 454 also requires the development of a Healthy Start Bonding Program to facilitate strong bonds between incarcerated women and their infants. The program:
 - will be developed by the DOC
 - shall be offered at MCI-W; and
 - the father or secondary caretaker of the infant shall be allowed liberal visitation with the infant.
- The Bill is discriminatory in its limitation (3-903) of visits to fathers and secondary caretakers. It does not allow same sex parents or non-binary/x marker parents the same rights and privileges. (Note that same gender parents should not be considered secondary caretakers).
- MCIW operates a Baby Bonding program, which allows female inmates with children between the ages of infancy to 3 years to have the opportunity to embrace and play with their children in a nursery setting. A similar program is offered monthly to grandmothers.
- As the prerelease center for women moves forward in the capital construction process, the Department will begin developing comprehensive programs and services to provide to the incarcerated women which will include programs such as the Healthy Start Bonding Program.

CONCLUSION: For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates House Bill 454.