

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 25
Judiciary

(Delegate Amprey)

Rehabilitation and Education for All Prisons (REAP) Act

This bill requires the Department of Public Safety and Correctional Services (DPSCS) to (1) set goals for the number of inmates in rehabilitation programs; (2) establish a tracking system for the number of inmates in rehabilitation programs; (3) establish a tracking system for the progress of inmates in rehabilitation programs, as specified; (4) assist inmates in accessing federal Pell Grants for higher education; and (5) adopt regulations to carry out the bill's provisions. The Maryland State Department of Education (MSDE) and the Department of Human Services (DHS) must assist DPSCS in creating the required tracking systems. The bill specifies that the Governor must provide funding annually in the budget bill for DPSCS to use for rehabilitation programs, marketing rehabilitation programs to inmates, and the required tracking systems.

Fiscal Summary

State Effect: General fund expenditures increase by at least \$451,600 in FY 2023. Future years reflect annualization and ongoing costs. Revenues are not affected.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	451,600	505,900	520,400	534,100	548,700
Net Effect	(\$451,600)	(\$505,900)	(\$520,400)	(\$534,100)	(\$548,700)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: In order to assist inmates in accessing federal Pell Grants, DPSCS must consult with institutions of higher education, including the University of Baltimore, Morgan State University (MSU), Bowie State University (BSU), and the University of Maryland Global Campus.

Current Law:

Inmate Training and Job Pilot Program

Chapter 677 of 2021 established the Inmate Training and Job Pilot Program to provide educational and vocational training opportunities for inmates in the 12 months preceding their release. Chapter 677 established pilot programs at BSU, Coppin State University, MSU, and the University of Maryland Eastern Shore (UMES). Additionally, the Maryland Higher Education Commission (MHEC) is authorized to establish additional pilot programs at other institutions of postsecondary education through a memorandum of understanding. MHEC and each participating institution must administer the program in cooperation with the Division of Correction (DOC) within DPSCS. The Inmate Training and Job Pilot Program terminates June 30, 2028.

Each pilot program must have an individualized plan for success that specifies a staff member at the institution who serves as the primary contact responsible for each inmate's participation and education in the program. The primary contact must meet with participating inmates regularly throughout their participation in the pilot program and ensure the inmates are enrolled in appropriate courses that work with the inmates' schedules. Courses must be credit bearing and lead to a degree or an industry-recognized certificate or license. All courses are subject to regulations adopted by the Commissioner of Correction at DPSCS.

The primary contact must also select at least three student mentors who are (1) at least age 18; (2) enrolled in the institution of postsecondary education; and (3) enrolled as a junior or senior if the pilot program is located at a four-year institution. Student mentor participants must receive course credit and a small stipend from the pilot program.

Additional Program Requirements: MHEC must establish a hotline to connect program participants to counseling and job services. If participants desire such aid, MHEC must facilitate contact between each program participant and a nonprofit organization in the community where the participant plans to reside (after release) whose mission includes aid with job placement, housing services, or counseling services. Also, MHEC must encourage former program participants to serve as contacts for future participants.

MHEC, DOC, and the applicable institutions of postsecondary education must determine a suitable format for inmates to take courses, whether virtual or nonvirtual. DOC must ensure that courses and instruction are provided in a suitable manner and create a safe and reasonable process by which to confer a degree to an inmate who is still incarcerated and who completes the requirements for a degree as part of the pilot program.

By June 1, 2022, DOC must coordinate with MHEC to develop a hybrid virtual and in-person learning environment in the division's statewide system.

Funding: The Governor's proposed fiscal 2023 budget includes \$300,000 for the program. In addition, the Governor must include in the annual budget bill an appropriation for the pilot program in the amount of \$330,000 in fiscal 2024, and \$363,000 in fiscal 2025 and 2026. Funding must be provided to MHEC for the costs associated with program administration, including a designated employee who is responsible for the administration of the pilot program, grants made to participating institutions (institutions must collectively aim to enroll 40 inmates to be divided among the institutions to qualify for an allocation of funds), and stipends for student mentors. Additionally, funding must be provided to DOC within DPSCS to cover costs associated with program administration, including a designated employee.

Reporting: Each program participant must agree to provide the assigned institution of postsecondary education and nonprofit organization with regular updates for two years regarding employment, future postsecondary enrollments, and any licensure or certification.

Each president (or other governing entity) of each participating institution must submit a report to MHEC on the number of enrolled inmates in the current academic year on or before December 15 each year from 2022 through 2026. On the basis of this data, MHEC must prorate funding to each participating postsecondary institution based on the number of participating inmates.

By July 1, 2024, and July 1, 2028, MHEC – in consultation with DOC – must submit an interim report and a final report, respectively, to the Governor and the General Assembly on the progress of the program. These reports must include program participant information on (1) courses enrolled in; (2) post-confinement employment; (3) post-confinement continuing education; and (4) post-confinement certification or licensure.

Division of Correction

Promptly after an inmate is sentenced to the jurisdiction of DOC, the division must assemble an adequate case record for the inmate that includes (1) a description, photograph, and family history of the inmate; (2) any previous record of the inmate; (3) a summary of

the facts of each case for which the inmate is serving a sentence; (4) the results of a specified risk and needs assessment of the inmate; and (5) the results of a specified physical, mental, and educational examination of the inmate.

DOC must conduct a risk and needs assessment and a physical, mental, and educational examination of an inmate as soon as feasible after the individual is sentenced to the jurisdiction of DOC. Based on the information assembled for an inmate's case record, DOC must classify an inmate and develop a case plan to guide an inmate's rehabilitation while under the custody of DOC.

Office of Correctional Education

The Maryland Department of Labor (MDL) Division of Workforce Development and Adult Learning (DWDAL), in conjunction with DPSCS, oversees inmate training, education, and job programs.

DWDAL's Office of Correctional Education provides 25 career training opportunities "behind the fence." Offerings vary by institution but include training in automotive skills, barbering, construction, and welding. All occupational courses lead to a portable, industry-recognized credential that contributes to an inmate's employability after release.

In addition to occupational programming, the Office of Correctional Education oversees academic and transitional courses throughout Maryland's correctional facilities. Academic programming includes GED preparation ahead of earning a Maryland high school diploma and English as a second language courses. Prior to release, inmates may complete transitional courses to ease their reentrance to society. These offerings include classes in parenting, employment readiness, financial literacy, and life skills.

Second Chance Pell Program

Incarcerated individuals in DPSCS facilities who have earned a GED or high school diploma are given an extended opportunity to access support for postsecondary education through the Second Chance Pell Program, overseen by DPSCS. The program allows incarcerated individuals to receive federal funding to enroll in postsecondary programs offered by local colleges and universities or distance learning providers. Maryland has several higher education institutions providing services to the incarcerated population and is working on expanding the Second Chance Pell Program throughout the State. Both BSU and UMES were selected to participate in the federal Second Chance Pell experiment.

Another postsecondary program, the Goucher College Prison Education Partnership, offers college courses to individuals at certain DPSCS facilities, and approximately 130 students

enroll each year with Goucher College; over the years, students have pursued nearly 200 classes.

State Expenditures: General fund expenditures increase by *at least* \$451,641 in fiscal 2023. Future year expenditures reflect annualization and ongoing costs.

Department of Public Safety and Correctional Services

General fund expenditures for DPSCS increase by *at least* \$451,641 in fiscal 2023, which accounts for the bill's October 1, 2022 effective date. This estimate reflects the cost of hiring seven administrative officers to carry out the bill's requirements. It includes salaries, fringe benefits, one-time start-up costs, computer programming, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- Although similar programs currently exist through DWDAL and MHEC, the bill specifically requires DPSCS to set goals and track inmates in rehabilitation programs and to assist inmates in accessing federal Pell Grants for higher education.
- While DPSCS provides various types of programming, some programming is dependent on staff and space availability and eligible inmates, which is different at each of the 19 institutions operated by the department across the State.
- DPSCS currently works with institutions of higher education to assist inmates in accessing federal Pell Grant funds.
- In order to track the rapidly changing programming available throughout correctional facilities and to assist inmates with accessing federal Pell Grants, the Office of Programs, Treatment, and Re-entry Services needs at least seven administrative officers.
- While the Offender Case Management System (OCMS) tracks information relating to inmates, in order to track the specific information required by the bill, OCMS requires reprogramming at a cost of \$20,000.

Positions	7.0
Salaries and Fringe Benefits	\$380,240
Computer Programming	20,000
Other Operating Expenses	<u>51,401</u>
Minimum FY 2023 DPSCS Expenditures	\$451,641

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

To the extent additional programming is determined to be necessary to meet goals for the number of inmates in rehabilitation programs (however “rehabilitation” is ultimately defined), costs are higher.

Annual Funding in the Budget Bill

The bill specifies that the Governor must provide funding annually in the budget bill for DPSCS to use for rehabilitation programs, marketing rehabilitation programs to inmates, and the tracking systems for rehabilitation programs. However, previous advice provided by the Attorney General indicates that a mandatory appropriation must either include an exact dollar figure for the funding or a funding formula that makes it possible to compute the level of funding required. The bill does not define specific rehabilitation programs that must be funded and marketed or a specific tracking system for such programs, nor does the bill provide a dollar figure for the funding or a formula based on the services required; thus, the bill does not establish a mandated appropriation.

However, as noted above, Chapter 677 established and mandates funding through fiscal 2026 for the Inmate Training and Job Pilot Program, which has similar goals as the bill. The Governor’s proposed fiscal 2023 budget includes \$300,000 for the program. The Governor’s proposed budget also includes approximately \$2.2 million for inmate education within DPSCS and another \$20.0 million for MDL to provide correctional education.

Department of Human Services

While DHS estimates that assisting DPSCS to create the required tracking system requires the development of a new independent tracking system at an approximate cost of \$420,000, the Department of Legislative Services disagrees. OCMS within DPSCS is designed to track inmate information and can be updated; thus, a separate system is not necessary in order to meet the bill’s requirements. Nevertheless, DHS may experience an operational impact due to staff time needed to assist DPSCS; however, any impact is likely minimal.

Maryland State Department of Education and Higher Education Institutions

Similar to DHS, MSDE may experience an operational impact due to staff time needed to assist DPSCS in meeting the bill’s requirements. Any impact is likely minimal.

MSU and the affected University System of Maryland institutions can meet the bill’s requirements with existing resources.

Additional Information

Prior Introductions: HB 1334 of 2021 was referred to the House Rules and Executive Nominations Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; University System of Maryland; Morgan State University; Department of Budget and Management; Department of Human Services; Department of Public Safety and Correctional Services; Department of Legislative Services

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