



BILL NO.: Senate Bill 398

TITLE: Local Correctional Facilities – Sentenced Inmates

POSITION: **SUPPORT**

DATE: February 23, 2012

COMMITTEE: Judicial Proceedings

CONTACT: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** Senate Bill 398. The bill would reduce the amount of time a judge may sentence an individual to a local correctional facility from 18 months to 12 months. While MACo recognizes that SB 398 faces a challenge due to the fiscal impact on the State, the bill highlights a last-minute and little debated change in the longstanding reimbursement process for local jails housing State prisoners.

Prior to the 2009 the State partly reimbursed the cost of State prisoners sentenced to local facilities for more than 3 months but no more than 18 months through a per diem payment based on the actual cost of the local jurisdiction to house the prisoner. The reimbursement system was created in 1981 and ran successfully for decades.

However, actions taken by the General Assembly at the end of Session in the Budget Reconciliation and Financing Act of 2009 (BRFA) (HB 101) converted the local jail reimbursement program and the State Backup program to more limited grant programs, which means a permanent reduction in funding to local jails. MACo understands the need for the State to make significant budget cuts in these difficult economic times. However, the actions taken in the 2009 BRFA abrogated a long-standing and successful agreement that has essentially left local jurisdictions paying for the cost to house State prisoners.

Since FY 2008, State aid to local governments (excluding education) has decreased \$687 million. Combined with declining property tax assessments and revenues, it is unfair to require counties to absorb the additional cost of housing State inmates in local facilities. SB 398 would help rectify the situation.

SB 398 represents a fair and equitable response to the State reimbursement cuts by requiring local jails to house State inmates up to the time period when State reimbursement should begin, but no longer. Accordingly, MACo recommends the Committee issue a **FAVORABLE** report on SB 398.