

Executive Summary of Maryland “Smart on Crime – Second Chance” legislative priorities

NOTE: *The following is a general description of proposed legislation. Specific bills’ terms will be subject to approval by a majority of coalition partners, as well as sponsoring legislators. Final bills’ provisions may be altered before their introduction.*

1. “Justice Reinvestment Funding (JRF)”: This funding method for corrections improvement without tax increases first came to national attention with the Second Chance Act, enacted by Congress and approved by Pres. George W. Bush in 2007. The Second Chance Act also was extended, in 2011, and approved by Pres. Barack Obama.

JRF advises states to reduce their existing prison populations with parole of offenders screened as “low risk” and, therefore, less likely to recidivate. In Maryland, state corrections officials have estimated this to be approximately 15% of the population. Along with reorganization of screening and pre-release, tens of millions of dollars per year may be saved for a JRF fund.

JRF calls for such savings use via a revolving fund for corrections improvements, rather than returning the general fund. [By this means, corrections reform are possible without tax increases.](#)

Thus, the primary “Smart on Crime-Second Chance” bill will amend Maryland Code – State Finance Art. to provide that its sec. 7-302 will not apply to return prison savings to the general fund. Instead, a new revolving fund will be created, known as the “Maryland Safer Communities Corrections Fund” which, in turn, would make possible the following half-dozen initiatives.

2. “Full & Fair Reimbursement for Local Detention”: This bill will reverse an unfunded mandate created by the General Assembly in 2009 (Correctional Services Art.- sec. 9-402), which reduced reimbursement for state inmates housed in local detention centers from \$85 per day (nearly actual costs) to \$45 per day (under ½ actual cost).

By restoring fair reimbursement, local detention centers financially will be enabled and motivated to cooperate with state corrections officials: a) to provide local screening for inmates—rather than sending them to an expensive central diagnostic center, and b) to provide pre-release “reentry” services to inmates nearing return to their communities.

Reentry, a nationally well-recognized system, allows “returning citizens” to re-establish family support, seek work-release employment, and other transitional needs—contrasted with the traditional, unsupported release of an inmate with only pocket money for a bus ticket. See <http://csgjusticecenter.org/reentry/about-what-works/>

3. Evidence-based “risk/needs” screening for offenders: Well-respected studies have proven that “what works in reducing recidivism” is screening for higher “risk” offenders, identifying the crime-producing “needs,” then targeting the most effective treatment on those offender needs. See, e.g., http://ojj.la.gov/ojj/files/What_Works_STLJ.pdf This bill would use “Justice Reinvestment” funding to apply such screening at the beginning of their incarceration to every inmate sentenced to more than 6 months so that, both during incarceration and preparing for reentry, the most effective services could be offered to each inmate to help him avoid future offenses.

4. Prisoners Employment and Rehabilitation Act – Nationwide studies agree that regular employment for an ex-offender is one of the single biggest factors in avoiding recidivism: An ex-offender with regular employment is about half as likely to reoffend. See, e.g., <http://munews.missouri.edu/news-releases/2011/1003-prison-education-programs-reduce-inmate-prison-return-rate-mu-study-shows/>

In our state's prisons, Maryland Correctional Enterprises (MCE) offers job-training and experience to inmates and, also, reports half the average recidivism rate for participants. See MCE report at <http://mce.md.gov/mce/AboutMCE/tabid/71/Default.aspx>

Accordingly, as JRF funds are available, this bill calls for expansion of Maryland Correctional Enterprises opportunities with appropriate education, training and job experience for every qualified inmate before discharge, as well as other "best practices" within the prisons. Also, the bill would ask state and local correctional officials to seek agreements with employers to provide transitional employment opportunities.

5. Ex-Offenders' Earned Opportunities Act: Based on the Uniform Laws Commission model statute, this bill recognizes that even the most sincere and qualified ex-offender faces serious hurdles known as "collateral consequences" in our legal system, due to any criminal record. Balancing the public's need to know and an ex-offender's need for a second chance, the Earned Opportunities act calls for expungement or shielding after 7 years, except for law enforcement purposes, of dismissed charges and of various misdemeanors with some exclusions. For non expungeable or shieldable offenses, the act also calls for "certificates of rehabilitation" after 7 years under similar conditions which would assure holders rightful access to certain housing, licenses, etc. "Ban-the-box" rules also may be included in this act.
6. The Safer Communities Conciliation Act: This bill recognizes that both evidence-based studies and Maryland experience show great effectiveness of mediation processes such as Johns Hopkins's Baltimore "Community Conferencing" program for resolving misdemeanor violations of criminal and juvenile law. Advantages over traditional prosecution of mediation-type resolutions include participants' 90%+ satisfaction rates, speed of resolution, rarity of recurrences, and elimination of alleged offense records that can impede future employment. This bill would offer both procedural mechanisms and Justice Reinvestment funding without tax increases to expand such programs to every county.
7. Parole incentive for life: Maryland law provides two types of life sentences – those eligible for parole and those without the possibility of parole. Despite this, two recent Governors effectively eliminated this distinction, uniformly denying parole to every offender given a parole-eligible life sentence, despite favorable recommendations of the Parole Commission. Because parole should offer hope and reward positive behavior and rehabilitation so ex-offenders may become model inmates and reenter the community with the maximum rehabilitation and ability to support themselves, to assist their families, to pay taxes, and to avoid future offense in the interests of public safety, this bill would depoliticize parole by removing the Governor's veto. Instead, the Governor's role would involve selecting the most capable Parole Commissioners and supporting their professional, evidence-based decision-making to set the most appropriate conditions for safe parole and supervision of parolees.