

# UPDATED 12/10/2019 FOR CJPS COMMITTEE

## OFFICE OF POLICY AND LEGAL ANALYSIS BILL ANALYSIS

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**TO:** Members, Joint Standing Committee on Criminal Justice and Public Safety

**FROM:** Jane Orbeton, Legislative Analyst

**DATE:** March 30, 2019

**LD:** 973, An Act To Stabilize County Corrections

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### SUMMARY:

This bill is a concept draft that proposes to stabilize the funding for county corrections.

The sponsor, Representative Warren, provided at the public hearing a proposal for an amendment to the bill. The proposed amendment does the following:

#### **The sponsor suggests a bill that:**

Defines as state-sanctioned inmates persons who:

- ~~Are held longer than 9 months;~~
- Are held on murder or a Class A, B or C offense;
- Are serving consecutive sentences that together exceed 9 months;
- Are held on probation violations in which on the underlying offense sentence they were sentenced to DOC custody;
- ~~Are sentenced in lieu of payment of a fine;~~
- Are held beyond the date and time of court ordered mental health evaluation and treatment;
- Are sentenced for contempt of court;
- ~~Are held for violation of an order entered by a state agency, or for insurance or medical fraud or tax evasion.~~

Requires state funding as follows:

- For State FY 2019-2020, State must fund \$18,442,104 or 20% of total jail operating costs. Required reporting of jail costs to DOC. ~~Any supplemental funding to be distributed to jails identified as in need.~~
- Beginning State FY ~~2020-2021~~ 2022 State must fund at least 20% of prior fiscal year's actual total jail costs or \$50 per day for all state-sanctioned inmates, whichever is greater.

- State must distribute funding to the jails based on counties where the crime is alleged to have been committed or sheriff to whom the inmate is committed.
- Funding will be distributed to recipient jail on a quarterly basis. Distribution of funding depends upon monthly updating of CRAS system and daily updating of BARS.
- The Sheriffs and the DOC, along with DAFS service staff will defined what constitutes no payment, e.g. not entering data in CRAS
- The CRAS system will be updated to collect data allowing for actuals snapshots.
- ~~State must pay for medical expenses that exceed \$10,000 per state-sanctioned inmate and \$25,000 per other inmates.~~
- ~~State must pay for medication costs of all state-sanctioned inmates.~~
- ~~State must pay for mental health treatment of all inmates.~~
- ~~Payments of medical, medication and mental health costs must be used to reduce jail operating costs in the next budget year.~~

Requires county funding as follows:

- Requires county reporting of jail costs.
- Requires jail funding as set forth in 30-A, §701, allowing county to re-set its base assessment requirement in state FY ~~2019-2020~~ 2021 and every ~~4 years~~ 6 years thereafter. ~~removing 4% cap and retaining growth limitation cap (LD 1 cap).~~

Requires jails to adhere to best practices and to report and verify. The amendment:

- Mandates participation in coordination of inmate transportation.
- Requires substance abuse-addiction recovery treatment, including at a minimum a licensed clinician or licensed professional organization to assist inmates.
- Requires medical assisted treatment for substance use disorder to extent funded by State.
- Requires mental health treatment, including at a minimum a licensed clinician or licensed professional organization to assist inmates.
- Requires community corrections programs, including at a minimum pretrial or conditional release, alternative sentencing or housing programs and electronic monitoring.
- A full 25% of state funding must be spent on “programs and services” (previously referred to as county corrections.
- Before FY 2022, the DOC Commissioner and Sheriffs will decide upon construction of the County Corrections Coordinating Council.
- The County Corrections Coordinating Council will determine the make-up of the “programs and services.”

By April 1 each year requires the Maine County Commissioners Association and the Maine Sheriffs’ Association to report annually to CJPS Committee on jail funding and operations. Additionally, newly created items contained herein will be reported to the CJPS Committee on April 1, 2021.

**The sponsor also offered the alternative of a study group that includes all stakeholders.**