

sentenced to a local detention center. Consequently, a prisoner with a 91 day sentence can be assigned to the State, while a prisoner with a ten year sentence can be assigned to a local jail. As introduced, House Bill 354 revised Maryland's sentencing of criminal offenders to require long sentences (over 18 months) to be served in the State correctional system and short sentences (less than six months) to be served in local detention centers. As passed by the House of Delegates on March 23, 1985, House Bill 354 was expanded to provide a gradual extension of the minimum State sentence limitation so that on July 1, 1988 only prisoners with sentences exceeding one year could be housed at a State correctional facility. The maximum sentence for a local detention center remained at 18 months as of the effective date of the bill. Therefore, as House Bill 354 left the House of Delegates there would have been clear jurisdictional guidelines for the housing of prisoners. Virtually all correctional officials, State and local, agree that this restructuring of responsibilities would be highly beneficial to both the inmates and the correctional system. Accordingly, House Bill 354 was vigorously supported by my Administration.

In recognition of the increased inmate population that would thus be imposed upon many local jurisdictions, House Bill 354 also was amended to authorize a new State assistance program to mitigate the additional operating and capital costs of housing new prisoners required under the bill.

Unfortunately, on the last day of the legislative Session the Senate approved a floor amendment that in my judgment significantly undermines the bill's benefits.

The amended language in question, adding a new subsection (h) to Article 27, § 690 of the enrolled bill, states as follows:

(H) IF THE CONFINEMENT OF PRISONERS SENTENCED UNDER SUBSECTION (C) OF THIS SECTION IN A LOCAL DETENTION CENTER, INCLUDING A LOCAL JAIL, OF A COUNTY OR BALTIMORE CITY WOULD CAUSE THE RATED PRISONER CAPACITY OF THE DETENTION CENTER TO BE EXCEEDED, THE PRISONERS SHALL BE IN THE CUSTODY OF THE COMMISSIONER OF CORRECTIONS UNTIL THE COUNTY OR BALTIMORE CITY HAS COMPLETED CONSTRUCTION OR ENLARGEMENT OF ITS DETENTION FACILITIES UNDER § 705 OF THIS ARTICLE TO ACCOMMODATE THE ADDITIONAL PRISONERS, OR UNTIL THE COMPLETION OF THEIR SENTENCE, WHICHEVER COMES FIRST.

The effect of this amendment would be to require the Commissioner of Correction to accept custody of an inmate, regardless of sentence length, if that inmate is sentenced to a local detention center whose inmate population exceeds its rated capacity. The local detention center in Baltimore City and, to a lesser degree, in several other jurisdictions, currently have inmate populations above their capacities. Thus, enactment of House Bill 354 would have the immediate effect of diverting some