

short-term offenders from local detention centers to the State system, a result directly counter to the bill's original intent and to sound correctional policy. This diversion is particularly objectionable since the Division of Correction currently houses 40% more prisoners than its rated capacity, a level of overcrowding that exceeds virtually any of the local detention centers.

Not only does this amendment negate the intended clarification of existing State-local prisoner confinement responsibilities, but under this language the State correctional system would actually be placed in a less advantageous position relative to existing law. Under current law, the State, for fiscal as well as correctional policy reasons, is protected from housing prisoners with sentences of less than 90 days. Under House Bill 354, the State would be responsible for (1) housing those short-term offenders (e.g., 30 day sentences) that cannot be housed at a local facility that has attained its rated prisoner capacity; (2) providing operating subsidies to all local jurisdictions to partially support the current level of operations at their detention centers; (3) providing additional operating subsidies for those local facilities accepting significantly more prisoners under the provisions of the bill; (4) providing 100% capital funding to those jurisdictions requiring new construction or expansion of local centers, while the State houses the inmates intended for the recipient subdivisions; and (5) receiving all prisoners with sentences in excess of 18 months. Thus, the total impact of signing into law House Bill 354 does not represent a very attractive proposition from the State's perspective.

A related problem is also created by the language contained in the amended Article 27, Section 690(h) of the bill with respect to local expansion or construction projects referenced in Section 705(E)(1). Under this provision, the decision of a local jurisdiction to pursue expansion or construction of a detention facility would be entirely optional. In the interim, both while a jurisdiction is determining whether or not to proceed with a capital project and during the actual construction phase, all prisoners earmarked for the local facility would be diverted to the State system under Section 690(h) of the bill. Clearly, this diversion of prisoners to the State system would eliminate a significant incentive for a local jurisdiction to proceed with expansion or construction in an expeditious manner. In fact, given the partial State operating subsidy for all local prisoners, the decision to proceed with a capital project would clearly be contrary to a local jurisdiction's financial interest.

Prior to adoption of the Senate floor amendments, House Bill 354 had a projected fiscal impact of \$7.3 million upon full implementation of the provisions of the bill in Fiscal Year 1989. With the adoption of the amendments, it is difficult to estimate the additional cost to the State of housing the prisoners originally projected for local centers since the length of