

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 42 (Chairman, Judicial Proceedings Committee)  
(By Request – Departmental – Public Safety and Correctional Services)

Judicial Proceedings

Judiciary

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**Corrections - Patuxent Institution - Inmate Sanctions for Violations**

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This departmental bill allows the Patuxent Institution’s Board of Review to impose “appropriate sanctions consistent with the best interest of public safety” when an eligible person or an offender in the Patuxent Youth Program commits a major violation while on parole, work release, or leave. The bill repeals a provision requiring such persons be confined and ineligible for release for six months.

The bill terminates September 30, 2006.

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**Fiscal Summary**

**State Effect:** Because this bill would affect the release status of only a small number of offenders, it would have a negligible effect on overall operations or incarceration costs.

**Local Effect:** None.

**Small Business Effect:** The Department of Public Safety and Correctional Services (DPSCS) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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**Analysis**

**Current Law:** If an eligible person commits a major violation while on parole, work release, or leave, the eligible person must be confined at Patuxent and must be ineligible for parole, work release, or leave for at least six months.

With certain exceptions involving persons convicted of first degree murder, first degree rape, or first degree sexual offense, an eligible person is defined as individual who: (1) has been convicted of a crime and is serving a sentence of imprisonment with at least three years remaining on the sentence; (2) has an intellectual impairment or emotional imbalance; (3) is likely to respond favorably to the programs and services that the institution provides; (4) can better respond to remediation through those programs and services than by other incarceration; and (5) meets other eligibility criteria that the Secretary establishes by regulation.

A major violation is defined to include: (1) escape from parole, work release, or leave; (2) failure to return from parole, work release, or leave within one hour of the time due, unless the failure was due to causes beyond the person's control; (3) commission of a new crime, other than a minor traffic violation, while on parole, work release, or leave; (4) commission of a Category I violation of the department's disciplinary rules; and (5) use of a controlled dangerous substance that the person is not entitled to use under Maryland law.

**Background:** According to DPSCS, the vast majority of offenders who commit a major violation will have their release status revoked and be reincarcerated. However, there are instances where the mandatory six month reincarceration is not necessarily, in the judgment of DPSCS, in the best interests of public safety or the eligible person. The agency believes that current law prohibits the Board of Review from exercising the best "clinical and administrative judgment" associated with such offenders.

During fiscal 2003, there was one parolee and nine persons on work release who were found guilty of a major violation and had their release status revoked.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services,  
Department of Legislative Services

**Fiscal Note History:** First Reader - January 15, 2004  
mam/jr Revised - Senate Third Reader - March 23, 2004

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