

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 373 (Senator Baker)
Judicial Proceedings

Homicide - Penalties

This bill increases the maximum penalty for manslaughter from 10 to 30 years, the penalty for second degree murder from 30 years to life or life without parole, and eliminates the possibility of parole for a person convicted of first degree murder.

Fiscal Summary

State Effect: Significant increase in general fund expenditures. No effect on revenues.

Local Effect: None.

Fiscal Analysis

State Expenditures: General fund expenditures could increase as a result of the bill's increased incarceration penalties, as more people may be committed to Division of Correction (DOC) facilities for longer periods. Any increase would depend upon the number of convictions and sentences imposed.

The bill repeals existing requirements that the State's Attorney notify a defendant that the prosecutor will ask for a sentence of life without the possibility of parole and a separate hearing for determination as to whether the defendant should be eligible for parole. In addition, the bill does not require this notice for the new life without parole sentence for second degree murder. This is not expected to have a significant effect on the judiciary or the Public Defender.

In 1995 there were 26 people admitted to Division of Correction facilities for first degree murder. Under current law, unless they are sentenced to death or life without parole, these inmates are eligible for parole after serving 25 years. This provision is not expected to have

any effect on DOC expenditures as the Governor must approve parole for persons with life sentences. While it has been the policy of the past few administrations to deny parole for murderers, release could be ordered by pardon instead of parole.

In 1995 there were 114 people admitted to DOC facilities for second degree murder with average sentences of 295 months. Since these inmates are eligible for parole, they are expected to serve an average of 148 months (50% of the sentence). Under this bill, the average inmate would be expected to serve at least 360 months, or 30 years, if they are eligible for parole.

In 1995 there were 59 people admitted to Division of Correction facilities for manslaughter with average sentences of 118 months. Since these inmates are eligible for parole, they are expected to serve an average of 59 months (50% of the sentence). Under this bill, the average inmate would be expected to serve at least 180 months, which is 50% of the 30-year minimum sentence.

People serving a sentence longer than one year are incarcerated in a Division of Correction facility. In fiscal 1997 the average monthly cost per inmate is estimated at \$1,400. Assuming 114 inmates serve an additional 212 months (second degree murder) and 59 inmates serve an additional 121 months (manslaughter), annual operating costs will begin to increase in fiscal 2002. The increase will level off in fiscal 2042 at \$43.7 million annually, unadjusted for inflation. By that time the Division of Correction would need an additional 2,606 beds. This would require construction of two new prisons. For illustrative purposes, the Western Correctional Institution currently under construction in Allegany County will cost an estimated \$112 million for 1,296 beds.

Information Source(s): Department of Fiscal Services

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