

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 354 (Delegate Poole, et al.)
Judiciary

Crimes - Violent Crimes and Crimes with Firearms - Sentences - Parole Eligibility

This bill increases the maximum sentence for several offenses, limits parole eligibility, and permits crime victims to make an oral statement at a parole hearing.

Fiscal Summary

State Effect: Significant but indeterminate increase in general fund expenditures. Potential indeterminate effect on federal fund revenues and expenditures.

Local Effect: None.

Fiscal Analysis

State Expenditures: General fund expenditures could increase as a result of the bill's longer incarceration penalties and the requirement that offenders covered by this bill serve 85% of their sentence before parole, as people would be committed to Division of Correction (DOC) facilities for longer periods. Any increase would depend upon the number of convictions and sentences imposed. This estimate assumes:

- changes in maximum sentences lead to proportional changes in actual sentences;
- a person subject to a life sentence will receive a 30-year sentence;
- under current law, offenders eligible for parole are granted parole after serving 50% of their sentence; and
- persons serving a sentence under this bill will receive mandatory supervision release after serving 75% of their sentences.

Exhibit 1 shows (1) the current maximum penalty for each of the offenses changed by this bill; (2) the number of people admitted to the DOC in 1995 for that offense and their average sentences; (3) what the maximum sentence would be under this bill; (4) the anticipated sentence assuming a proportionate increase in sentence lengths; and (5) the time that an inmate would be expected to serve under this bill as a result of the increased penalties and not being eligible for parole until 85% of the sentence had been served. The total increase in the DOC population is estimated at 9,186.

In fiscal 1997 the average monthly cost per inmate is estimated at \$1,400. Assuming 9,186 additional beds, additional annual operating costs would increase to \$154 million by fiscal 2020. By that time the DOC would need an additional seven 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. Unadjusted for inflation, capital costs could therefore exceed \$784 million.

The Maryland Parole Commission is currently promulgating regulations that would permit a victim to present oral testimony up to five minutes long at parole hearings. Therefore, allowing victims to present oral testimony is not expected to have any effect on the Parole Commission's expenditures.

State Revenues: The federal Violent Crime Control and Law Enforcement Act of 1994 provides that states may be eligible for up to 75% of prison construction costs for eligible prison projects. This bill could make the State eligible for up to \$588 million. This estimate assumes full federal funding of the prison construction program and the State can qualify for all that money by the end of federal fiscal 2000 when the program expires.

The Department of Fiscal Services advises that the State is unlikely to receive any significant federal revenue as a result of this bill for the following reasons:

- the program has authorizations of \$7 billion, but only \$170 million was appropriated in federal fiscal 1994, and that was restricted to boot camp projects;
- the Department of Justice appropriation for federal fiscal 1995 has not been determined;
- the proportion of any authorization that may go to each state is limited by formula;
- current authorizations end in federal fiscal 2000 (State fiscal 2001); and

- given the elimination of most prison projects in the Governor's capital budget it is unlikely that projects could be on schedule to receive federal grants before the program expires.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction, Maryland Parole Commission), Department of Fiscal Services

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