

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 1064 (Delegate Muse)
Judiciary

Parole - Eligibility

This bill requires all inmates to have a high school diploma or equivalent before they may be paroled. In addition, it changes from three to two the number of prior violent crime convictions an offender must have before a sentence of life without parole may be ordered and prohibits parole for a second conviction of a violent offense.

Fiscal Summary

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

Local Effect: Indeterminate but potentially significant increase in expenditures. No effect on revenues.

Fiscal Analysis

State Expenditures: The Division of Correction (DOC) estimates 70% of its 21,235 population would require educational programs in prison to become eligible for parole. The Governor's proposed fiscal 1997 budget eliminated \$2.7 million and 36 positions for non-mandated prison education from the budget of the Maryland State Department of Education (MSDE). As a result, GED degrees are no longer available to most inmates. This would make most inmates ineligible for parole under this bill.

In fiscal 1995 the DOC received 11,297 new inmates with sentences averaging 49 months. An inmate who is eligible for parole is expected to serve 50% of the sentence, while an inmate who does not get parole is expected to serve 75% of the sentence. For illustrative purposes, if 70% of these inmates were ineligible for parole, their expected incarceration would increase by 12 months. This would require an additional 7,908 beds in DOC facilities,

requiring construction of six 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 \$672 million. Annual operating costs for six prisons would exceed \$130 million.

Dramatically limiting the number of inmates eligible for parole could reduce the need for parole commissioners and related staff. This decrease would be phased in over time, as the bill's provisions only apply to sentences for offenses committed after the bill's October 1 effective date. Any such decrease would depend on the amount of education that inmates have prior to entering prison or are able to get while in prison.

In the alternative, MSDE could restore correctional education programs to give inmates a chance to obtain a GED. There were 985 DOC inmates who earned a GED in fiscal 1995. There were 25 GED instructors, for a student to teacher ratio of 40:1. In fiscal 1997 the Parole Commission expects to hold 16,122 inmate hearings. Assuming two-thirds of those hearings are for DOC inmates, and 70% of DOC inmates do not have a high school diploma or GED, approximately 7,525 inmates annually would require a GED to become parole eligible. Providing GED courses for all these inmates would require 188 correctional education positions at a cost of \$6.1 million in fiscal 1997 and \$8.1 million on an annual basis.

The Department of Fiscal Services notes that correctional education reduces inmate idleness and thus tension in correctional facilities. In addition, a recent study showed Maryland inmates with a GED certificate had a 36% recidivism rate while inmates without a GED had a 46% recidivism rate. Any fiscal impact due to reductions in inmate idleness and recidivism cannot be reliably estimated at this time.

This bill would also have an effect on State payments to local detention centers. In fiscal 1995 local detention centers had an average population of 1,967 of inmates serving sentences of six months or more. These inmates are generally eligible for parole. Assuming 70% of them do not have high school diplomas or GED certificates, 1,377 inmates could be ineligible for parole under this bill, depending upon whether sufficient educational programs are available. The State reimburses counties for part of the per diem rate after a person has served 90 days. State per diem reimbursements are estimated to range from \$10 to \$48 per inmate, depending upon the jurisdiction. Persons sentenced in Baltimore City are incarcerated in the Baltimore City Detention Center (BCDC), a State operated facility. The per diem cost for fiscal 1997 is estimated at \$43 per inmate.

The bill prohibits parole for a person sentenced to 10 years for a second violent offense. An inmate who is eligible for parole generally serves 50% of the sentence while a person who does not receive parole serves on average 75% of the sentence. Making an inmate with a 10-

year sentence ineligible for parole would increase the expected time served by 30 months. Using the average monthly cost per inmate of \$1,400, this would increase DOC expenditures by \$42,000 for each person sentenced under this provision.

The bill also permits a person convicted of a third violent offense to be sentenced to life in prison without parole. Under current law these inmates are subject to a 25-year sentence and the inmate is generally ineligible for parole. Assuming an inmate would serve 75% of a sentence without parole, an inmate sentenced under current law would be expected to serve 225 months. Any increase in time served would depend upon when the inmate dies or was released on parole. (Under current law, an inmate who is at least 65 years old and has served 15 years would still be eligible for parole.) For illustrative purposes, a person sentenced to life without parole at age 30 could obtain parole at age 65, after serving 420 months. At an average monthly cost of \$1,400 per inmate, DOC expenditures would increase by \$273,000.

Local Expenditures: Expenditures could increase as a result of fewer inmates in local detention centers being eligible for parole. In fiscal 1995 local detention centers had an average population of 1,967 inmates serving sentences of six months or more. These inmates are generally eligible for parole. Assuming 70% of them do not have high school diplomas or GED certificates, 1,377 inmates could be ineligible for parole under this bill, depending upon whether sufficient educational programs are available. Counties pay the full cost of incarceration for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$19 to \$96 per inmate in fiscal 1997.

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

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Analysis by: Robert C. Bates

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710