

Department of Fiscal Services  
Maryland General Assembly

FISCAL NOTE

House Bill 917 (Delegate Muse, *et al.*)  
Judiciary

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**Parole - Eligibility - Education Requirement**

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This bill requires all inmates to have a high school degree, a high school equivalency degree, or successfully complete a vocational-technical education program before they may be paroled.

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**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.

**Small Business Effect:** None. The bill would not directly affect small businesses.

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**Fiscal Analysis**

**State Expenditures:** Correctional education program participation is now required of inmates who have not completed their high school education and who have more than 18 months to serve at intake by the Division of Correction (DOC). This new standard is an extension of the State's mandatory education law (1987) which initially required a 6th grade reading level on a standardized achievement test.

DOC estimates 70% of its 21,608 population would require educational programs in prison to become eligible for parole under this bill. In fiscal 1996 the DOC received 15,731 inmates with sentences averaging 45 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 each. However, since a certain number of inmates would not be successful in obtaining parole anyway, it is estimated that only one third of that population could actually have their incarcerations extended as a result of the bill. This would require an additional 5,238 beds in DOC facilities, requiring construction of two new prisons. For illustrative purposes, the partially completed Western Correctional Institution in Allegany County will eventually cost an estimated \$200 million for 2,500 beds. Unadjusted for inflation, capital costs could therefore exceed \$400 million. Annual operating costs for two prisons would exceed \$100 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.

Intake testing for fiscal 1996 shows that new inmates have an average reading level of grade 6.5. The Maryland State Department of Education (MSDE) has four correctional education programs (with 179.5 educational/instructional positions). The data on DOC enrollments and completions of those programs is as follows:

<u>Program</u>	<u>Enrollments</u>	<u>Completions</u>
Adult Basic	1,790	918
Adult Secondary (GED)	964	784
Vocational Education	<u>617</u>	<u>813</u>
<b>TOTALS</b>	<b>3,371</b>	<b>2,515</b>

*(The special education program data is included in the overall academic enrollment numbers. An additional 550 inmates work in the schools as aides and tutors. MSDE provides a library at each major institution. Post secondary educational programs ended with the exclusion of inmates from Pell Grant eligibility in 1995.)*

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.

However, since the literacy capacities of inmates at intake is so low, the prospect of the average inmate actually attaining a GED prior to eligibility for parole is problematical. For instance, if an inmate is sentenced to two years or less, is given credit for time served prior to intake, and has a 6th grade or lower reading level, there is little expectation for completion of the GED program. Many inmates must go through the basic education program to learn more fundamental skills so as to rise to a level of literacy sufficient for entry into the GED program. While MSDE believes that five years in the correctional education program could show more meaningful results, it is not possible to gauge an average length of time for such an expectation.

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. Maryland is currently participating in a three state study (with Minnesota and Ohio) of the institutional and post release success of inmates who participated in educational programs versus those who did not while incarcerated. Preliminary results are expected in mid-1998.

This bill would also have an effect on State payments to local detention centers. In fiscal 1996 local detention centers (excluding Baltimore City) 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. 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 \$12 to \$42 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 1998 is estimated at \$43 per inmate.

**Local Expenditures:** Expenditures could increase as a result of fewer inmates in local detention centers being eligible for parole. In fiscal 1996 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 \$23 to \$83 per inmate in fiscal 1998.

In addition to operating costs, local jurisdictions pay 50% of capital costs of any expansion or renovation of a local detention center when the need is not the result of changes in sentencing practices as enacted by the State in 1986. The State pays 100% of the costs of certain beds for inmates sentenced for six to twelve months.

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**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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