

Department of Legislative Services  
Maryland General Assembly

FISCAL NOTE

House Bill 772 (Delegate Kelly. *et al.*)

Judiciary

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**Crime of Violence - Second Time Conviction - Mandatory Sentence**

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This bill provides that a person who is convicted a second time or more for a “crime of violence”, and who has served a term of confinement for the prior offense, is subject to a mandatory sentence of life imprisonment without the possibility of parole. The bill also repeals the following provisions whereby: (1) if the offender has had three separate convictions and served three separate sentences for crimes of violence, conviction of a fourth crime of violence subjects the offender to a mandatory sentence of life without parole; (2) conviction on two separate occasions of a crime of violence, and service of at least one term of confinement, subjects the offender to a mandatory 25-year sentence; and (3) conviction of a second crime of violence subjects the offender to a mandatory 10-year sentence.

The bill is required to be construed and applied prospectively only.

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**Fiscal Summary**

**State Effect:** Significant general fund expenditure increases. Revenues would not be affected.

**Local Effect:** None.

**Small Business Effect:** None.

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**Fiscal Analysis**

**State Expenditures:** In 1997, the Division of Correction (DOC) received 16 inmates under

the current law mandatory sentencing provisions. Noting that there were none under the mandatory minimum 10-year sentence for a second conviction, the following table illustrates the additional State costs for these same persons if convicted and sentenced under the provisions of this bill.

<b>DOC Intake for Crimes of Violence With Mandatory Sentences -1997</b>			<b>Under HB 772</b>	
<b>Mandatory Sentence</b>	<b>Cases</b>	<b>Average Stay</b>	<b>Increase in Stay</b>	<b>Additional Cost</b>
Life Without Parole	1	540 months	0	\$0
Life	2	360 months	180 months	\$540,000
25 Years (300 months)	13	168 months	372 months	\$7,254,000

Assuming that 1997 can be taken as a typical year, DOC would experience an increase of intakes of prisoners sentenced to life without parole beginning in fiscal 1999. The standing population of life sentence prisoners would begin to grow in fiscal 2012 and level off in fiscal 2029, at approximately 200 prisoners. Additional annual operating costs arising from this population growth are expected to level off at approximately \$8.2 million by fiscal 2029.

Accordingly, general fund expenditures could increase as a result of persons being committed to a Division of Correction (DOC) facility for longer periods of time. Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1999 the average monthly cost per inmate is estimated at \$1,500.

It is also expected that this growth could lead to the need for additional beds. For illustrative purposes, the Western Correctional Institution currently under construction in Allegany County will cost an estimated \$124 million for 1,680 beds.

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

**Fiscal Note History:** First Reader - March 17, 1998

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