

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 773 (Delegates Kelly and Kach)

Judiciary

Crimes and Punishments - Parole Eligibility

This bill increases the minimum time that must be served by a prisoner in a Division of Correction (DOC) facility or a local detention facility in order to be eligible for parole as follows: (1) violent offenders are required to serve 75%, rather than 50%, of their sentence; (2) nonviolent offenders are required to serve 50%, rather than 25%, of their sentence; and (3) offenders sentenced to life are required to serve a minimum of 20 years, rather than 15 years. The bill also conforms parole eligibility for inmates at the Patuxent Institution to the similar eligibility requirements.

Fiscal Summary

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

Local Effect: Significant local expenditure increases. Revenues would not be affected.

Small Business Effect: None.

Fiscal Analysis

State Expenditures: In 1997, DOC received over 13,003 inmates, of whom 2,313 were violent offenders with an average sentence of 104 months; and 10,690 were nonviolent offenders with an average sentence of 30 months. DOC inmates serve an overall average of 44% of sentence before parole release. Violent offenders serve an average of 55% of their sentence. Offenders sentenced to a life sentence serve an average of 360 months. (No life sentenced inmates were released on parole during 1996 or 1997.)

In addition, inmates released on mandatory supervision release serve an average of 65% of their sentence. Violent offenders serve an average of nearly 70% of their sentence before

being released on mandatory supervision release. (Mandatory supervision release occurs whenever an inmate must be released due to application of diminution credits earned.)

Under this bill, it is estimated that violent offenders would serve, on average, an additional 16 months. However, mandatory supervision release is likely to occur sooner than parole eligibility (at 70% of sentence, rather than 75%) for some violent offenders. In any event, based on 1997 data, it is estimated that the bill would result in a 16-month increase in length of stay for each violent offender, which would increase State costs by \$24,000 per inmate. DOC believes that these additional costs would have applied to 694 of the violent offenders received last year. The costs for 694 offenders serving an additional 16 months is \$16,656,000.

While mandatory supervision release could also occur before parole eligibility for nonviolent offenders, it is estimated that 30% of these offenders would serve an additional three months under this bill. Based on 1997 data, it is estimated that the bill would result in a three-month increase in length of stay for each nonviolent offender, which would increase State costs by \$4,500 per inmate. DOC believes that these additional costs would have applied to 3,207 of the nonviolent offenders received last year. The costs for 3,207 offenders serving an additional three months is \$14,431,500.

Accordingly, general fund expenditures could increase as a result of this bill due to persons being committed to a Division of Correction facility for longer periods of time and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed. In fiscal 1999 the average monthly cost per inmate is estimated at \$1,500.

This bill would have no significant impact on the operating costs of the Patuxent Institution. However, to the extent that mandatory supervision release occurs prior to parole eligibility, the Parole Commission could experience some indeterminate decrease in parole hearings for persons held in State and local correctional facilities and in attendant costs.

Local Expenditures: Persons serving a sentence of one year or less are sentenced to a local detention facility. Mandatory supervision release dates occur sooner than parole eligibility to a greater extent at local detention facilities. Accordingly, this bill would increase the likelihood that a typical inmate at a local jail would have had a mandatory release prior to parole eligibility. In any event, the actual length of stay for an inmate at a local facility would tend to increase under this bill by an indeterminate amount. If average daily populations increase by a significant amount, there would be a corresponding increase in local costs.

The State reimburses counties for part of their per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 1999 are estimated to range from \$12 to \$42 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility, with an average monthly cost estimated at \$1,500 for fiscal 1999. [The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1999 is estimated at \$43 per inmate.]

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction, Maryland Parole Commission, Patuxent Institution); Department of Legislative Services

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