

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 394 (Senator McFadden)

Judicial Proceedings

Inmates - In Banc Review of Sentences

This bill permits a person who has served at least 20 continuous years of imprisonment without being released on parole to have a judgment or determination of any point or question relating to a conviction or sentence reviewed by a three-judge panel.

The Court of Appeals is required to adopt rules to implement the bill.

Fiscal Summary

State Effect: Potential indeterminate net effect on general fund expenditures. No effect on revenues.

Local Effect: Potential increase in expenditures. No effect on revenues.

Small Business Effect: None.

Fiscal Analysis

State Expenditures: There are currently approximately 485 prisoners in the Division of Correction (DOC) system who have been incarcerated continuously for at least 20 years. To the extent that any of these inmates would request in banc review pursuant to this bill, DOC could experience increased transportation costs (assuming that the in banc reviews would involve hearings that the requesting inmates would be entitled to attend). The average cost to transport one inmate to and from court is \$255. The per-inmate cost could be reduced if multiple numbers of inmates are transported together by van or bus.

To the extent that three-judge panels request information about prisoners, DOC's workload could increase due to the need to review files, interview inmates, prepare correspondence and

reports, and verify sentences.

To the extent that three-judge panels modify sentences by reducing terms of confinement, DOC could experience minimal savings based on actual per inmate expenses for food, medication, and supplies. Any potential for significant savings would be dependent on whether the reduction in the number of inmates would be sufficient to affect average daily prison populations. The number of in banc reviews that would be requested, the outcomes of any such reviews, and whether any resulting increased costs for DOC would be offset by decreased incarceration costs cannot be reliably predicted at this time.

Local Expenditures: Any in banc review hearings requested pursuant to this bill would be held in circuit court. To the extent that any such hearings are held, the circuit courts would incur additional operating expenses.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

Fiscal Note History: First Reader - February 26, 1998

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