

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 674 (Senator Derr)

Economic and Environmental Affairs

Parole of Inmates - Prohibition - Felony Offenses

This bill prohibits the parole of an inmate confined for a felony offense committed on or after October 1, 1998, unless the person is at least 65 years old and has served at least 80% of the term. The bill includes persons confined at the Patuxent Institution for a felony offense committed the same date under this parole prohibition.

Fiscal Summary

State Effect: Indeterminate significant general fund expenditure increases, including capital costs. Indeterminate revenue decreases.

Local Effect: Minimal.

Small Business Effect: None.

Fiscal Analysis

State Effect: Under current law, non-violent offenders become eligible for parole after serving 25% of their term. Offenders convicted of crimes of violence become eligible for parole only after serving 50% of their term. Generally, persons serving a life sentence must serve a minimum of 15 years (less diminution credits) to become eligible for parole.

In 1997, the Division of Correction (DOC) received 13,035 inmates, of whom 5,100 had been convicted of a felony. The average sentence for these felons is 78 months. All DOC inmates serve an average of 44% of a sentence before parole release. This average includes persons sentenced to six-month boot camp terms. Violent offenders serve an average of 55% of their sentence before parole release. Persons sentenced to a life term have an average stay of 360 months prior to parole release. (No persons serving a life sentence were paroled in

1997.)

In addition, felony inmates currently serve approximately 70% of their sentence before mandatory supervision release. Accordingly, under this bill it is assumed that the 5,100 felony inmates received in 1997 would have to serve 55 months ($78 \text{ months} \times .7$) rather than 43 months ($78 \times .55$), for an average additional stay of 12 months.

In fiscal 1999 the average monthly cost per inmate is estimated at \$1,500. If DOC's 1997 intake can be considered representative of average annual intakes, the additional cost of this bill for each year of inmate intake can be calculated as follows: $5,100 \text{ inmates} \times 12 \text{ additional months of incarceration} \times \$1,500 = \$91,800,000$. Since some felony inmates reach 50% of their sentence, and parole eligibility, at far less than the average of 39 months, it is likely that the initial effects of this bill could begin to be felt within five years, and reach significant impact levels within 10 years. These calculations do not reflect the minimal number of inmates who might reach age 65 after serving 80% of their term.

This bill would eventually lead to capital construction costs. While it is difficult to project the actual costs of construction for prisons needed to house additional populations of felony offenders, for illustrative purposes, the Western Correctional Institution currently under construction in Allegany County will cost an estimated \$124 million for 1,680 beds. This bill could lead to the need for over 5,000 additional beds.

DOC advises that current numerous policies, procedures, and protocols directed toward inmates are integrally tied to parole eligibility and anticipated parole release dates. DOC believes that this bill would also have a "serious" impact on DOC's case management and classification operations. However, the extent to which changes in these operations would translate into additional costs cannot be readily calculated. It is known that inmates who are sentenced without the possibility of parole are often more burdensome and costly to supervise and manage.

Eventually, the elimination of parole will also significantly reduce the operations of, and the need for, the Maryland Parole Commission. The commission's fiscal 1999 budget allowance is approximately \$2,970,000. The workload and costs of the Division of Parole and Probation would also be greatly reduced as the division's field operations devoted to parolees would decrease toward eventual elimination. Currently, approximately 10% of the division's field operations involve parolees, which represents approximately \$5,750,000 of the division's full \$57 million budget allowance for fiscal 1999. The actual potential savings cannot be readily projected at this time since it cannot be determined at what future time felony convictions and intakes for crimes committed prior to October 1, 1998 would no longer be in need of these mechanisms. In any event, all such savings would be subject to the

normal budgetary processes which determine allowances based on actual caseloads and staffing needs.

The Patuxent Institution did not reply to a request for an estimate in time for the production of this fiscal note. However, it is assumed that the institute's confinement costs and parole apparatus would eventually incur similar effects.

Over time, under this bill, an indeterminate amount of fee revenue currently collected by the Division of Parole and Probation from parolees would be reduced, and eventually eliminated.

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

Fiscal Note History: First Reader - March 1, 1998

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