

Department of Legislative Services  
Maryland General Assembly  
1999 Session

FISCAL NOTE

House Bill 702 (Delegate J. Kelly)

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” 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 beginning in FY 2013. Revenues would not be affected.

**Local Effect:** None.

**Small Business Effect:** None.

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**Fiscal Analysis**

**State Expenditures:** 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. Currently, the average total cost per inmate, including overhead, is estimated at \$1,600 per month. This bill could increase the average daily population in DOC facilities to the extent that additional beds, personnel, infrastructure improvements, or a new prison facility will be necessary. The cost of building a new medium security 1,300 bed prison facility is currently estimated at \$112 million.

In 1998 the DOC received 16 inmates under the current law mandatory sentencing provisions. Noting that there were no inmates 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 - 1998</b>			<b>Under HB 708</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	1	360 months	180 months	\$288,000
25 Years (300 months)	14	180 months	360 months	\$8,064,000

Assuming that 1998 can be taken as a typical year, DOC would experience an increase of intakes of prisoners sentenced to life without parole beginning in fiscal 2000. The daily population of life sentence prisoners would begin to grow in fiscal 2013 and level off in fiscal 2030, at approximately 272 prisoners (16 additional inmates per year for 17 years). Additional annual operating costs arising from this population growth are expected to level off at approximately \$8.1 million by fiscal 2030.

In addition, it is likely that the overwhelming majority of second violent offense charges will result in a trial rather than plea bargains. Accordingly, this bill could also have a substantial impact on the Office of the Public Defender. However, quantifying that impact cannot be readily done at this time and would depend, in part, on varying prosecutorial policies of States' Attorneys statewide, the number and types of these cases to be tried, and the caseloads of attorneys working for the Public Defender.

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

**Fiscal Note History:** First Reader - February 24, 1999

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