

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 325 (Delegates McKee and Shank)

Judiciary

Inmates - Diminution Credits - Revocation

This bill authorizes the Division of Correction (DOC) to revoke certain diminution credits awarded to inmates while confined at a local correctional facility, if there are violations of discipline rules at a DOC facility. The diminution credits that may be revoked are specified to be those awarded for presentence or postsentence good conduct and for special selected work projects. In addition, the bill adds diminution credits awarded for industrial, agricultural, or administrative tasks to those which may not be revoked under such circumstances.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures for the Division of Correction. Revenues would not be affected.

Local Effect: None.

Small Business Effect: None.

Fiscal Analysis

State Expenditures: When DOC receives an inmate transferred from a local detention center, including those having been held pretrial, the inmate may have already accumulated diminution credits of various types. A local detention center inmate may earn a maximum of 20 days credit per month. However, the typical inmate being transferred to DOC would only have accumulated between five to ten “good behavior” diminution credits per month of local incarceration.

This bill allows the division to revoke all or part of those credits for violations of applicable

rules of discipline. DOC currently has this authority over diminution credits earned at a DOC facility.

The length of stay for any inmate who has had diminution credits revoked would increase. Accordingly, under this bill, general fund expenditures could increase due to more persons serving a longer period of time in a DOC facility. Any such increase is assumed to be minimal, and would depend upon the number of diminution credits actually revoked from transferred inmates. Legislative Services notes that two other factors mitigate against significant costs under the provisions of this bill: (1) DOC is authorized to restore revoked diminution credits for reasons generally related to improved behavior; and (2) the vast majority of diminution credits earned by DOC inmates are those earned post conviction and after transfer to a State facility.

In fiscal 2000 the average monthly cost per inmate, including overhead, is estimated at \$1,600. The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 2000 is estimated at \$48 per inmate.

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

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