

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 968 (Delegate J. Kelly)

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.

Fiscal Summary

State Effect: Significant general fund expenditure increase at some point in the future. Revenues would not be affected.

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

Small Business Effect: None.

Fiscal Analysis

Bill Summary: The bill increases the minimum time that must be served by a prisoner in a 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) if sentenced to more than one term of imprisonment, including a violent offense, offenders are required to serve 50%, rather than 25%, of their total aggregate sentence; (3) if sentenced to more than one term of imprisonment, including a term for which the offender is eligible for parole and a term for which the offender is not eligible for parole, offenders are required to serve 50%, rather than 25%, of their total aggregate sentence; (4) nonviolent offenders are not required to have an investigation as to the advisability of parole until after having served 50%, rather than 25%, of their sentence; (5) offenders sentenced to life are required to serve a minimum of 20 years, rather than 15 years; (6) offenders sentenced to life for first degree murder are required to serve a minimum of 30 years, rather than 25 years; and (7) violent

offenders serving a life sentence are not required to receive an administrative review of their progress in the correctional facility until after having served 50%, rather than 25%, of their term. The bill also conforms parole eligibility for inmates at the Patuxent Institution to similar eligibility requirements.

State Expenditures: In 1998 DOC received over 13,400 inmates, of whom 2,243 were violent offenders with an average sentence of 120 months. DOC inmates serve an overall average of 60% of their sentence before parole release. Violent offenders serve an average of 67% of their sentence. Offenders with a life sentence serve an average of 360 months. (Except for medical paroles, no life sentenced inmates were released on parole during 1996, 1997, or 1998.)

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 18 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 1998 data, it is estimated that the bill would result in an 18-month increase in length of stay for each violent offender. Because the average total cost per DOC inmate for fiscal 2000, including overhead, is estimated at \$1,600 per month, this bill would increase State costs by \$28,800 per inmate. DOC believes that these additional costs would have applied to 708 of the violent offenders received last year. The costs for 708 offenders serving an additional 18 months is \$20,390,400.

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 addition, based on available data from fiscal 1994 through 1997, the Patuxent Institution has an intake of between three and nine inmates each year whose terms of confinement would be affected by this bill. At a per capita annual inmate cost, including overhead, of approximately \$28,000 per inmate, the Patuxent Institution's costs could also significantly increase.

Local Expenditures: Persons serving a sentence of one year or less are sentenced to a local detention facility. Sentence expiration/release dates (due to diminution credits) 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 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 significant increase in local costs.

Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$15 to \$80 per inmate in fiscal 2000.

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

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