

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 710
Judiciary

(Delegate Vallario)

Criminal Sentencing - Sentencing to the Division of Correction - Exceptions

This bill provides an additional exception to the requirement that a person may not be sentenced to a Division of Correction (DOC) facility for 12 months or less. Specifically, the bill allows such sentencing if a conviction and sentence of more than 12 months to a DOC facility resulted in a revocation of probation and an additional sentence of 12 months or less for a prior offense, and the inmate is still under the jurisdiction of DOC.

Fiscal Summary

State Effect: Minimal. It is assumed that any additional confinements for DOC could be handled with existing budgeted resources.

Local Effect: Potential decreases in local correctional costs due to persons sentenced for 12 months or less being remanded to a DOC facility rather than a local detention facility.

Small Business Effect: None.

Analysis

Current Law: Except for an individual sentenced in Baltimore City, a judge is prohibited from sentencing an individual to the jurisdiction of DOC for 12 months or less unless: (1) the sentence is for an offense committed by an inmate in a correctional facility under the jurisdiction of DOC; and (2) the inmate is still under the jurisdiction of DOC.

State Expenditures: According to DOC, there were about 8,500 probation revocations in fiscal 2000. Of that number, about 3,500 committed new offenses, while the remainder involved technical violations. The number of probation revocations who might be sentenced to a DOC facility for 12 months or less under the provisions of this bill cannot be reliably predicted.

In any event, to the extent that this bill could result in more people being committed to DOC facilities, general fund expenditures could increase minimally. It is assumed that the provisions of this bill would be carried out within the operating capacities of the various existing DOC facilities. Persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,700 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$288 per month. Ordinarily, persons sentenced to a term of less than one year are incarcerated in local facilities.

Local Expenditures: It is possible that persons sentenced to a DOC facility under the provisions of this bill would have otherwise been sentenced to a local detention facility. To the extent this might be true, under the provisions of this bill, local correctional costs may decrease minimally. 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 \$17 to \$77 per inmate in fiscal 2002.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Commission on Criminal Sentencing Policy, Department of Legislative Services

Fiscal Note History: First Reader – March 5, 2001
ncs/cer

Analysis by: Guy G. Cherry

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510