

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE
Revised

Senate Bill 676 (Senator Ferguson, *et al.*)

Judicial Proceedings

Judiciary

Truth In Sentencing - Abolishment of Parole for Violent and Repeat Offenders

This bill eliminates the possibility of parole for an inmate serving a term of imprisonment for a violent crime who has been previously convicted of a violent crime. This elimination of parole eligibility does not restrict the Governor's authority to pardon or remit any part of the inmate's sentence.

Fiscal Summary

State Effect: Significant increase in general fund expenditures in future years due to the bill's elimination of parole for certain offenders. Revenues would not be affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A "crime of violence" means abduction; arson in the first degree; kidnapping; manslaughter, except involuntary manslaughter; mayhem and maiming; murder; rape; robbery; carjacking or armed carjacking; sexual offense in the first degree; sexual offense in the second degree; use of a handgun in the commission of a felony or other crime of violence; an attempt to commit any of the aforesaid offenses; assault in the first degree; and assault with intent to murder, assault with intent to rape, assault with intent to rob, assault with intent to commit a sexual offense in the first degree, and assault with intent to commit a sexual offense in the second degree.

A person who has been convicted of a crime of violence and has served a term for that conviction, upon being convicted a second time for the same or different crime of violence on or after October 1, 1994, must be sentenced to a mandatory term of at least ten years, without the possibility of parole.

A person who has served three separate terms of confinement resulting from three separate convictions for a crime of violence is required to be given a mandatory sentence of life imprisonment without the possibility of parole upon a fourth conviction for a crime of violence. A person who has twice been convicted for two separate incidents of a crime of violence and who has served at least one term, upon a third conviction for a crime of violence shall be sentenced to a mandatory term of at least 25 years in a correctional institution. However, a person who is serving a mandatory, non-parolable sentence for a crime of violence may be paroled if the person is at least 65 years old and has served at least 15 years of the sentence.

Background: According to published newspaper accounts, nine-year-old Christopher Lee Ausherman of Frederick was sexually assaulted and killed November 19, 2000. Elmer Spencer Jr., 46, a homeless man with a history of convictions for sex crimes who was released from prison five days before the killing, has been charged. Spencer was indicted on charges of first-degree murder, first-degree sexual offense, attempted sexual offense, and child abduction.

State Expenditures: There are about 10,000 current inmates serving a term for a crime of violence. Of that number, 2,000 are believed to be repeat offenders.

General fund expenditures could increase significantly as a result of the bill's elimination of parole for repeat violent offenders due to significantly more people being committed to DOC facilities for longer periods of time. This bill could eventually 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. Based on a cost of approximately \$119,700 per bed, the cost of building a new medium security 1,300-bed prison facility is currently estimated at \$155.6 million.

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. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$288 per month.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader – March 5, 2001
ncs/jr Revised – Senate Third Reader – March 27, 2001

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