

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

Senate Bill 609

(Senator Kelley)

(State Commission on Criminal Sentencing Policy)

Judicial Proceedings

Criminal Sentences - Mandatory Supervision - Applicability of Parole Laws

This bill requires that an individual on mandatory supervision be subject to all laws, rules, regulations, and conditions that apply to parolees, including revocation of release from confinement. For an inmate whose mandatory supervision is revoked, the bill prohibits the awarding of any new diminution credits on: (1) the sentence for which the inmate's mandatory sentence was revoked; (2) a new sentence; or (3) a subsequent sentence served during the same term of confinement.

The bill's provisions are applied to inmates committed to the custody of State or local correctional facilities. The bill does not affect an inmate's eligibility for parole.

Fiscal Summary

State Effect: Significant increase in general fund expenditures due to the bill's changes in diminution credit earning potential for inmates whose mandatory supervision release has been revoked. Revenues would not be affected.

Local Effect: Minimal increase in expenditures due to the bill's changes in diminution credit earning potential for inmates whose mandatory supervision release has been revoked. Revenues would not be affected.

Small Business Effect: None.

Analysis

Current Law: Mandatory supervision is a nondiscretionary release from prison required by law after a criminal offender has served his or her sentence less diminution of confinement credits earned. Parole, on the other hand, is a discretionary, conditional release from criminal imprisonment that may be granted by the Maryland Parole Commission.

For Division of Correction inmates whose terms of confinement include consecutive or concurrent sentences for a crime of violence or a crime involving a controlled dangerous substance as defined in the law, the deduction in the sentence for good conduct is calculated at five days per calendar month. For all other inmates the deduction is calculated at ten days per calendar month. An inmate may also receive deductions calculated at five days per calendar month for work tasks and education and ten days per calendar month for special projects; however, the total deduction may not exceed 20 days per calendar month.

An inmate in a local correctional facility may receive deductions of five days per calendar month for: good conduct; industrial, agricultural, or administrative tasks; educational and training courses; work projects; and special programs.

State Expenditures: This bill expands the power of revocation to block the ability of an inmate to earn diminution credits on a new sentence or a subsequent sentence served during the same term of confinement. For example, an inmate who commits a crime while on mandatory supervision would be prohibited from earning diminution credits not only while serving out the remaining time of the original sentence but also while serving out the sentence for the crime committed while on mandatory supervision. The Division of Correction (DOC) advises that this bill's provisions would add to the length of sentence for about 3,600 current inmates.

Accordingly, general fund expenditures could increase significantly due to more people being committed to Division of Correction (DOC) facilities for longer periods of time. 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, is not expected to 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.

However, it is possible that 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 are 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.

Local Expenditures: While the provisions of this bill are also applied to inmates in the custody of local correctional facilities, the fiscal impact at the local level should be felt to a lesser degree than for State facilities. This is due, in part, to an assumption that a local inmate typically earns fewer diminution credits per month than a State inmate, and the reason or offense that causes the revocation of a mandatory release would tend to subject the offender to a re-commitment term that would be served at a State facility rather than locally.

Additional Information

Prior Introductions: None.

Cross File: HB 1288 (Delegate Vallario) – Judiciary.

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

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jm/jr

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