

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 364

(Senator Miller)

Judicial Proceedings

Judiciary

Correctional Services - Consecutive Sentences - Offenders on Parole

This bill provides that a new sentence for a crime committed while on parole that runs consecutive to the original term must be in accordance with certain current provisions that require the consecutive sentence to begin: (1) on the expiration of the original term of confinement, if parole is revoked at the time of sentencing; or (2) on the date that the consecutive sentence was imposed, if the parole is not revoked. The bill's provisions are applied prospectively only and may not be applied to a crime committed while on parole before the bill's October 1, 2003 effective date.

Fiscal Summary

State Effect: None. The provisions of this bill should not measurably affect State finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A sentence to a term of Division of Correction (DOC) custody that is imposed consecutive to a term of non-DOC custody must begin when the person is released from non-DOC custody due to the expiration of a sentence, parole, or mandatory supervision release due to the application of diminution credits.

A sentence to a term of non-DOC custody that is imposed consecutive to a term of DOC custody must begin when the individual is released from DOC custody due to the

expiration of a sentence, parole, or mandatory supervision release due to the application of diminution credits.

A sentence imposed consecutive to a term of confinement for which the defendant is on parole is required to begin: (1) if, at the time of sentencing, parole is revoked, on expiration of the original term of confinement; or (2) if parole is not revoked, on the date that the consecutive sentence was imposed.

If a parolee is convicted of a crime committed while on parole and is sentenced to an additional term of imprisonment in any correctional facility, the new sentence must run consecutive to the time to be served on the original term unless the judge imposing the new sentence expressly orders otherwise.

Background: Chapter 485 of 2002 required, in part, the Secretary of Public Safety and Correctional Services and the Chairman of the Maryland Parole Commission to establish a workgroup to study and make recommendations on issues relating to diminution credits, sentences, and mandatory supervision. A report from the workgroup was released in December 2002. This bill results from those recommendations.

Additional Information

Prior Introductions: None.

Cross File: HB 707 (Delegate Vallario, *et al.*) – Judiciary.

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

Fiscal Note History: First Reader - February 25, 2003
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