

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**

House Bill 540  
Judiciary

(Delegate Anderson, *et al.*)

---

**Local Correctional Facilities - Diminution Credits - Good Conduct**

---

This bill increases the monthly presentence and post-sentence good conduct diminution credit earning calculations for an inmate at a local correctional facility from 5 to 10 days per month. The bill also provides that, for post-sentence good conduct diminution credit calculations, if the inmate's term of confinement is for a crime of violence or a charge involving certain controlled dangerous substances offenses, the credits must be calculated at a rate of five days per month. The bill's provisions must be applied prospectively from October 1, 2006.

---

**Fiscal Summary**

**State Effect:** Minimal.

**Local Effect:** Potential significant savings in inmate costs for some jurisdictions.

**Small Business Effect:** None.

---

**Analysis**

**Current Law:** 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. The use of diminution credits to reduce an inmate's term of incarceration is a means of recognizing an inmate's good behavior. Inmates are allowed a deduction in advance from the term of confinement. If an inmate violates a rule of discipline, however, diminution credits may be revoked.

For the Division of Correction (DOC) inmates whose terms of confinement include consecutive or concurrent sentences for a crime of violence or a crime involving a controlled dangerous substance, 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 10 days per calendar month. An inmate may also receive deductions calculated at 5 days per calendar month for work tasks and education and 10 days per calendar month for special projects. However, the total deduction may not exceed 20 days per calendar month.

These credits are awarded as they are earned. When an inmate's total number of diminution credits is equal to the remainder of sentence, including consideration for any losses of credits, the inmate is eligible for mandatory supervision release.

A deduction may not be allowed for a period during which an inmate does not receive credit for service of the inmate's term of confinement, including a period: (1) during which the inmate's sentence is stayed; (2) during which the inmate is not in DOC custody because of escape; or (3) for which the Maryland Parole Commission has declined to grant credit after revocation of parole or mandatory supervision.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2007 are estimated to range from \$17 to \$65 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

**State Expenditures:** Because this bill would double the good conduct diminution credit earning potential for inmates in presentence confinement, this bill could reduce the time that would be served by some inmates in a DOC facility before mandatory release. This, in turn, would mean that some persons would be released to the supervision of the Division of Parole and Probation sooner than under current law. Neither of these effects is expected to have a significant fiscal impact.

The bill would also tend to reduce State reimbursements to the counties for per diem incarceration costs. Because reimbursements for most counties are at 50% of actual costs, and only occur after a person has served 90 days, such a savings is not expected to be significant statewide.

**Local Expenditures:** Because this bill would double the good conduct diminution credit earning potential for inmates in local correctional facilities, it could reduce the number of beds needed per day at a local facility and, thereby, provide an overall savings in correctional costs. While such an impact would tend to vary by jurisdiction, and cannot be reliably calculated for any jurisdiction, it does have the potential to be significant for some jurisdictions.

---

### **Additional Information**

**Prior Introductions:** HB 832 of 2004, a similar bill, was withdrawn prior to a hearing.

**Cross File:** None.

**Information Source(s):** Cecil County, Montgomery County, Harford County, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 13, 2006  
mam/hlb

---

Analysis by: Guy G. Cherry

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510