

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 212 (Senator Jacobs, *et al.*)
Judicial Proceedings

Sentence Review - Child Sexual Offender - Prohibition

This bill provides that a person is not entitled to a sentence review by a review panel for a sentence that was imposed as a result of the person's conviction as a child sexual offender and exceeds two years.

Fiscal Summary

State Effect: Potential minimal increase or decrease in incarceration expenditures. The actual impact depends on the number of sentences affected by this bill which would have been reduced or lengthened by a sentence review panel but are no longer eligible for review.

Local Effect: Potential minimal decrease in local expenditures due to a decrease in the number of circuit court sentence review hearings as a result of this bill.

Small Business Effect: None.

Analysis

Current Law: Every person convicted of a crime by a circuit court and sentenced to serve more than two years imprisonment by one judge is entitled to apply for and have a single review of that sentence. An application for review must be filed within 30 days of the sentencing. A panel of three or more trial judges of the judicial circuit in which the sentencing court is located conducts the review. The judge who sentenced the convicted person may not be one of the members of the panel, but may sit with the panel in an

advisory capacity. If a hearing is held, the panel generally may increase, decrease, or otherwise modify the sentence by majority rule.

Background: The Justice Policy Institute reports that in fiscal 2001, sentence review panels in Maryland decreased 5 sentences, increased 1 sentence, and left 97 sentences unchanged.

State Fiscal Effect: Data is not readily available on the number of convicted child sexual offenders who are eligible for sentence review. General fund expenditures could increase or decrease minimally as a result of sentences that would have been reduced or lengthened by sentence review panels but are no longer eligible for review. The number of people who would have had their sentences changed cannot be reliably predicted, but is assumed to be small.

Currently, the Division of Correction (DOC) average total cost per inmate, including overhead, is estimated at \$1,974 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 \$341 per month.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State's Attorneys' Association; Judiciary (Administrative Office of the Courts); Office of the Public Defender; *Cutting Correctly in Maryland*, Justice Policy Institute, February 20, 2003; Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2006
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Analysis by: Amy A. Devadas

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