

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

Senate Bill 781

(Senator Haines)

Judicial Proceedings

Judiciary

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**Alcohol and Drug Treatment - Commitment of Defendant - Crime of Violence**

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This bill prohibits a court from committing a defendant sentenced for a crime of violence to an alcohol or drug treatment program until the defendant is eligible for parole.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund expenditures in the Department of Public Safety and Correctional Services due to potential delays in commitments. The Department of Health and Mental Hygiene (DHMH) can handle the bill's requirements within existing resources since the number of treatment slots annually available to the courts for such referrals is not affected.

**Local Effect:** No material impact on local government operations or finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A court that finds in a criminal case that a defendant has an alcohol or drug dependency may commit the defendant to a drug or alcohol treatment program. The commitment can be made as a condition of release, after conviction, or at any other time the defendant voluntarily agrees to participate in treatment.

Offenders serving sentences for crimes of violence must serve one-half of their sentences to be eligible for parole. For purposes of parole eligibility for a violent crime, a crime of violence means:

- abduction;
- first degree arson;
- kidnapping;
- manslaughter, except involuntary manslaughter;
- mayhem;
- maiming;
- murder;
- rape;
- robbery;
- robbery with a dangerous weapon;
- carjacking and armed carjacking;
- first or second degree sexual offense;
- use of a handgun in the commission of a felony;
- first degree child abuse;
- sexual abuse of a minor (under specified circumstances);
- an attempt to commit any of the above crimes;
- continuing course of conduct with a child;
- first degree assault;
- assault with intent to murder, rape, or rob;
- assault with intent to commit first or second degree sexual offense; and
- first, second, or third degree burglary.

**Background:** The Alcohol and Drug Abuse Administration (ADAA) advises that approximately 700 defendants are committed per year to ADAA programs. However, ADAA does not know how many of those committed are sentenced for a crime of violence or are committed when they are not yet eligible for parole.

ADAA advises that there are currently 96 court commitments under § 8-507 on the inpatient treatment program waiting list. The average wait time until admission is 90 days. There is no waiting list for outpatient drug treatment programs; referred persons are generally admitted to programs within two weeks.

**State Fiscal Effect:** Because of the serious nature of crimes of violence, convicted persons are likely to serve a sentence of longer than 18 months in a Division of Correction (DOC) facility. Currently, the average total cost per inmate, including overhead, is estimated at \$2,600 per month. Excluding overhead, the average cost of housing a new DOC inmate (including variable medical care and variable operating

costs) is \$342 per month. Excluding all medical care, the average variable costs total \$164 per month. Persons convicted of violent crimes serve a range of sentence times and must serve one-half of their sentences to be eligible for parole. Thus, to the extent that individuals are incarcerated for longer amounts of time to meet the parole eligibility requirement before being admitted to drug treatment programs, general fund expenditures for DOC increase under the bill.

Although violent crime conviction referrals can be made to outpatient programs, most are made to inpatient programs. The average length of stay for an inpatient placement is 120 days at a cost of \$135 per day, totaling \$16,200 per treatment episode. Costs are borne by ADAA under contracts let annually with various drug and alcohol treatment providers. A commitment must be for at least 72 hours but not longer than one year. A court may extend treatment in increments of six-month periods for good cause shown.

ADAA advises that, under the bill, drug treatment may be delayed in some cases. However, given the current waiting list for inpatient drug treatment programs, any delay is not expected to cause any program slots to be vacant. Therefore, DHMH can handle the bill's requirements within existing resources since the number of treatment slots annually available to the courts for such referrals is not affected by the bill.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2009  
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