

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 182

(Senator McFadden)(By Request - Baltimore City
Administration)

Judicial Proceedings

Criminal Procedure - No Good Time for Gun Crime

This bill adds the illegal possession of a regulated firearm, by a person previously convicted of a crime of violence or drug crime, to the crimes for which an inmate may earn good conduct diminution credits at a rate of 5 days per calendar month, rather than 10 days per calendar month.

Fiscal Summary

State Effect: General fund expenditures increase by approximately \$220,300 in FY 2013 and by \$222,500 in FY 2014. Revenues are not affected.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	0	0	220,300	222,500
Net Effect	\$0	\$0	\$0	(\$220,300)	(\$222,500)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: For 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, which are awarded in advance. 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. These credits are awarded as they are earned. However, the total deduction may not exceed 20 days per calendar month.

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.

Title 5 of the Public Safety Article regulates firearms and handguns in the State. A regulated firearm is any handgun or any of the 45 assault weapons (or copies) identified in that article. Among other restrictions, under Title 5, a person may not possess a regulated firearm in the State if the person was convicted of a crime of violence or a violation of specified controlled dangerous substances offenses. A violator is guilty of a felony and subject to a nonsuspendable, nonparolable mandatory minimum sentence of five years. Each violation of this prohibition is a separate offense.

State Expenditures: In fiscal 2008, DOC had an intake of 304 persons for all gun offenses. Of that number, 163 would be covered by the provisions of this bill. The average sentence for these inmates was about 48.8 months. Under the bill, the average length of stay increases by 8.0 months per inmate.

Currently, the average total cost per inmate at a DOC facility, including overhead, is estimated at \$2,600 per month. Excluding overhead, the average cost of housing a 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. Under the bill, the average time served for 163 intakes per year would increase by 8.0 months. Assuming the variable inmate costs of \$164 per month, State expenditures could increase by \$1,312 for each affected inmate. The additional cost for all 163 affected inmates would total \$213,856. These costs, however, would not be realized until fiscal 2013. Accounting for inflation, general fund expenditures will increase by approximately \$220,300 in fiscal 2013 and \$222,500 in fiscal 2014.

Additional Information

Prior Introductions: HB 964 of 2008 was reported out of the House Judiciary Committee, recommitted to that committee, and had no further action taken on it. Its cross file, SB 558, received a hearing before the Senate Judicial Proceedings Committee and had no further action taken on it.

Cross File: HB 87 (Delegate Anderson)(By Request - Baltimore City Administration) - Judiciary.

Information Source(s): Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2009
ncs/hlb

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