

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

**FISCAL AND POLICY NOTE**

House Bill 1447

(Chair, Judiciary Committee)(By Request - Departmental  
- Public Safety and Correctional Services)

Judiciary

Judicial Proceedings

---

**Correctional Services - Mandatory Supervision - Minimum Term of  
Confinement Requirement**

---

This departmental bill increases, from 12 to 18 months, the minimum term of confinement that a Division of Correction (DOC) inmate must serve before being granted a conditional mandatory supervision release. This change eliminates the need for mandatory supervision by the Division of Parole and Probation (DPP) for persons sentenced to a term of 18 months or less, upon release from a DOC facility.

---

**Fiscal Summary**

**State Effect:** None. While providing meaningful operational efficiencies for DPP, the bill will not affect State revenues or expenditures.

**Local Effect:** None.

**Small Business Effect:** The Department of Public Safety and Correctional Services (DPSCS) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

---

**Analysis**

**Current Law:** DOC must grant a conditional release from confinement to an inmate who:

- is serving a term of more than 12 months;
- was sentenced on or after July 2, 1970 to the jurisdiction of DOC; and
- has served the term or terms, less diminution credits allowed under law.

For 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 5 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 release on mandatory supervision.

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 longer than 18 months are incarcerated in DOC facilities. 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.

**State Fiscal Effect:** In Baltimore City, a judge who imposes a sentence of imprisonment, regardless of length, must commit the individual to the custody of DOC. Persons released from a DOC facility on a mandatory release must be supervised by DPP upon release, even if they only have a few months remaining on their original sentence. As a result, DPP is required to expend considerable operational resources to supervise these persons for periods of six months or less because they were committed to the custody of DOC instead of a local correctional facility.

This bill requires DPP to supervise persons on mandatory release only if they were sentenced to a DOC facility for more than 18 months. Accordingly, this bill is expected to provide DPP with meaningful operational efficiencies, but not to the extent of

providing any budgetary savings. The bill may, at some future date, lessen the need for additional DPP agents.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**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 - March 19, 2009  
ncs/hlb

---

Analysis by: Guy G. Cherry

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



ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Correctional Services – Mandatory Supervision – Minimum Term of Confinement Requirement

BILL NUMBER: HB 1447

PREPARED BY: Department of Public Safety and Correctional Services

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

  X   WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESS

OR

       WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.