

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 213
Judiciary

(Delegates Olszewski and Kach)

Criminal Law - Diminution Credits - Crimes of Violence

This bill specifies that, if an inmate's term of confinement includes a consecutive or concurrent sentence for a crime of violence, the inmate may not be allowed a total diminution of credit deduction of sentence of more than 10 days for a calendar month.

Fiscal Summary

State Effect: Potential significant increase in State correctional costs over time, which may eventually lead to the need for additional beds, personnel, or facilities. Initial effects may be felt as early as FY 2013. Revenues are not affected.

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 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 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.

Crimes of violence include murder, manslaughter, some sexual offenses, robbery, carjacking, kidnapping, assault, and other offenses, as specified in the Criminal Law Article. Maximum imprisonment penalties for some offenses include the possibility of a life sentence.

Background: The Maryland State Commission on Criminal Sentencing Policy received guideline worksheets in fiscal 2008 from the circuit courts for 2,003 offenders convicted of a crime of violence. The worksheets indicate that these offenders were convicted of 2,904 crimes of violence.

State Expenditures: General fund expenditures increase as a result of the bill's incarceration penalty due to more people being committed to DOC facilities for longer periods of time. The bill reduces by half the potential diminution earnings for about 2,000 new inmates annually.

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$2,750 per month. Excluding overhead, the average cost of housing a new DOC inmate (including variable medical care and variable operating costs) is \$371 per month. Excluding all medical care, the average variable costs total \$182 per month.

For illustrative purposes, if each person affected by the bill had to serve an additional one to two years, assuming the variable inmate costs of \$182 per month, State correctional costs could increase by between \$2,200 (12 months x \$182) and \$4,400 (24 months x \$182) for each person imprisoned under the bill. If all 2,000 persons were similarly affected, State correctional costs over the course of their full terms would increase by \$4.4 million and \$8.8 million. Because each of the affected 2,000 persons has sentences of varying lengths, this effect could begin to be felt as early as fiscal 2013.

In addition, because each additional year's intake would also be similarly affected, the cumulative effect on correctional costs over time is likely to be significant. Accordingly, this bill may, over time, increase the average daily population in DOC facilities to the

extent that additional beds, personnel, infrastructure improvements, or a new prison facility are necessary. Based on a cost of approximately \$155,000 per bed, the cost of building a new medium security 1,300-bed prison facility is currently estimated at \$202 million. Actual costs would depend on the design, location, and existing infrastructure.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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