

Department of Legislative Services
2011 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 173

(The President, *et al.*) (By Request - Administration)

Judicial Proceedings

Rules and Executive Nominations

Task Force on Diminution Credits

This Administration bill establishes a Task Force on Diminution Credits. The task force is charged with reviewing current policies, procedures, and laws, as well as national best practices relevant to the use of diminution credits in correctional facilities. The task force is required to make recommendations on ways to increase understanding of diminution credits and ways to improve the use of diminution credits in the State. The Governor's Office of Crime Control and Prevention (GOCCP) is required to provide staffing to the task force. The task force must report its findings and recommendations to the Governor and the General Assembly by December 1, 2012.

The bill's terminates June 30, 2013.

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for GOCCP are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: Most states have policies awarding eligible inmates in state prisons and/or local correctional facilities some form of limited, credit-based early release.

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, with the exception of certain sexual offenders, 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.

An inmate in a local correctional facility may receive deductions of five days per calendar month for good conduct; industrial, agricultural, or administrative tasks; educational and training courses; work projects; and special programs. The use of diminution credits to reduce an inmate's term of incarceration is a means of recognizing an inmate's good behavior. Inmates are allowed a deduction in advance from the term of confinement. If an inmate violates a rule of discipline, however, diminution credits may be revoked.

Additional Information

Prior Introductions: None.

Cross File: HB 172 (The Speaker, *et al.*) (By Request - 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 8, 2011
ncs/hlb Revised - Senate Third Reader - March 30, 2011

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Criminal Law - Diminution Credits - Possession of a Regulated Firearm by Person Convicted of Crime of Violence

BILL NUMBER: SB 173/HB172

PREPARED BY: Governor's Legislative Office

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

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.