

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1174

(Delegate Mitchell, *et al.*)

Judiciary

Judicial Proceedings

Correctional Services - Revocation of Parole - Reimposition of Sentence

This bill repeals the general requirement that an inmate whose parole is revoked serve the remainder of the sentence imposed. Instead, the bill authorizes the parole commissioner who conducted the hearing on the revocation to require the inmate to serve any unserved portion of the sentence originally imposed on the inmate. In addition, the Department of Public Safety and Correctional Services (DPSCS) must submit a report by October 1, 2013, on the number of inmates whose sentences of imprisonment following a revocation of parole were reduced as a result of the bill and the recidivism rate for inmates released following revocation of parole as a result of the bill.

The bill takes effect on October 1, 2011, and terminates on June 30, 2014.

Fiscal Summary

State Effect: Minimal impact on the Maryland Parole Commission (MPC), the Division of Parole and Probation (DPP), and the Division of Correction (DOC). The bill's reporting requirement can be handled with the existing budgeted resources of DPSCS. Revenues are not affected.

Local Effect: Minimal impact on local correctional expenditures. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: If an order of parole is revoked, the inmate must serve the remainder of the sentence originally imposed unless the commissioner hearing the parole revocation, in the commissioner's discretion, grants credit for time between release on parole and revocation of parole. An inmate may not receive credit for time between release on parole and revocation of parole if (1) the inmate was serving a sentence for a violent crime when parole was revoked; and (2) the parole was revoked due to a finding that the inmate committed a violent crime while on parole.

If a sentence has commenced as provided under law and the inmate is serving that sentence when the order of parole is revoked, the remainder of the sentence originally imposed must begin at the expiration of any sentences which were then begun.

When an inmate's total number of diminution credits is equal to the remainder of the 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 MPC has declined to grant credit after revocation of parole or mandatory supervision.

If an inmate is convicted and sentenced to imprisonment for a crime committed while on parole and the parole is revoked, diminution credits that were awarded before the inmate's release on parole may not be applied toward the inmate's term of confinement on return to the division.

State Fiscal Effect: If an order of parole is revoked, the inmate must serve the remainder of the sentence originally imposed ("back-up time") unless the commissioner hearing the parole revocation, in the commissioner's discretion, grants credit for time between release on parole and revocation of parole ("street time"). Previously earned diminution credits may not be applied toward an inmate's term of confinement after a parole revocation.

The bill's changes are not expected to have a significant effect on MPC, DPP, or DOC.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services,
Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2011
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