

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 639
Judiciary

(Delegate Cluster, *et al.*)

Criminal Procedure - Parole - Eligibility

This bill increases, from six months to one year, the minimum period that an inmate in a State or local correctional facility must be sentenced to serve before becoming eligible to be considered for an investigation by the Division of Parole and Probation (DPP) or the Division of Correction (DOC) to enable the Maryland Parole Commission (MPC) to determine the advisability of granting parole.

Fiscal Summary

State Effect: This bill will allow significant operational efficiencies for MPC, DPP, and DOC, though without any discernable fiscal effect. MPC also indicates that the bill will not have a negative impact on those inmates who will become ineligible for parole before the expiration of one year.

Local Effect: Minimal. However, the bill may prolong the stay of a small number of inmates in local detention facilities.

Small Business Effect: None.

Analysis

Current Law: MPC has the exclusive power to authorize the parole of an inmate in DOC or a local correctional facility. MPC is required to request that DPP make an investigation for inmates in a local correctional facility and DOC make an investigation for inmates in a State correctional facility that will enable MPC to determine the advisability of granting parole to an inmate who has been sentenced to serve a term of

six months or more in a correctional facility and has served one-fourth of the inmate's aggregate sentence in confinement.

An inmate serving a sentence is not eligible for parole until the inmate has served in confinement one-fourth of the inmate's aggregate sentence. A person serving a sentence for a crime of violence is not entitled to a parole hearing until after having served one-half of the term. Certain persons are not eligible for parole while serving a mandatory minimum sentence.

Background: This bill increases minimum parole eligibility from 6 months to one year. In fiscal 2010, DOC intake was 9,452 inmates serving sentences of a fixed term of years. Of that number, 6,919 were serving sentences of over 6 months. Of that number, 766 inmates serving sentences of 7 to 12 months and would be ineligible for parole under the bill.

According to MPC, similar statistics are not available regarding sentence length of inmates at intake at local detention centers. However, the average number of inmates in local facilities serving sentences of between 6 months and 18 months during fiscal 2010 was 2,533. Of that total, 1,286 inmates were serving sentences of over one year.

Inmates sentenced to DOC must serve either one-quarter or one-half of their sentence to be eligible for parole depending on the offense. Parole eligibility for inmates sentenced to local detention centers is one-quarter regardless of the offense. The start date of a sentence is often backdated by the court to account for pretrial incarceration. This pretrial credit means that these inmates are either already eligible or will be eligible for parole very quickly. In some cases, depending upon the amount of credit they may even be "overdue" for a parole hearing. It is common for inmates to be released by expiration of sentence shortly after the sentence was imposed.

DOC provides MPC with a "suspense file" as part of the intake process. The suspense file includes copies of court commitments, criminal history, and any other information about the crime that was sent with the inmate. There is no central database of information for offenders incarcerated in local detention centers. Each local detention facility provides copies of commitments for parole eligible inmates to the DPP office in that county. Agents are assigned to complete a pre-parole investigation. This investigation provides pertinent information about the offense, criminal history, and the offender. The investigation is to be completed within 30 days of receipt of the court commitment. The results of the completed investigations are then mailed or hand delivered to MPC.

MPC makes an effort to schedule parole hearings within 30 days of the receipt of the completed pre-parole investigation. However, it is often the case that inmates serving

sentences of 6 months to a year will often opt out of parole consideration because they will be released by expiration of sentence without further supervision within a short period of time. Inmates granted parole are supervised until the expiration date of their full sentence. In fiscal 2010, DOC released 751 inmates serving sentences between 7 to 12 months; only 92 were released on parole.

MPC believes that changing the minimum sentence for parole eligibility to one year will not have a negative impact on those inmates that will be ineligible for parole. The bill will allow MPC to focus its attention to those inmates more likely to be considered for release on parole.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Carroll, Harford, and Montgomery counties; Baltimore City; Commission on Criminal Sentencing Policy; Department of Public Safety and Correctional Services; Department of Legislative Services

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