

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

House Bill 650

(Delegate Waldstreicher, *et al.*) (By Request - Task Force
on Prisoner Reentry)

Judiciary

Judicial Proceedings

Correctional Services - Diminution Credits - Educational Accomplishment

This bill allows an inmate in a Division of Correction (DOC) facility to receive 60 diminution credits from the inmate's term of confinement for earning each of the following: (1) a general equivalency diploma or a high school diploma; (2) two-year or four-year college degree; (3) a two-year or four-year certification in applied sciences; (4) a technical education diploma as provided and defined by the commissioner; or (5) a certificate of completion for a civics education program that requires passing a final examination. The Commissioner of Correction is required to adopt regulations governing the determination of deductions authorized under the bill.

Inmates serving a sentence for first or second degree murder, or attempted first or second degree murder, are not eligible to earn the diminutive credits allowed under the bill.

Fiscal Summary

State Effect: Potential significant decrease in annual State correctional costs. Under one set of assumptions, general fund expenditures for correctional costs may decrease by \$326,400 in FY 2013 and \$435,200 annually thereafter. State revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Generally, inmates sentenced to the custody of DOC are entitled to earn diminution of confinement credits to reduce the lengths of their incarcerations. The following types of inmates may not earn diminution credits:

- an inmate who is serving a sentence for first or second degree rape or sexual offense against a victim under age 16;
- an inmate who is serving a repeat sentence for third degree sexual offense against a victim under age 16; and
- an inmate, imprisoned for a lifetime sexual offender supervision violation.

In addition, an inmate whose mandatory supervision release has been revoked may not be awarded any new diminution credits on the term of confinement for which the inmate was on mandatory supervision release.

Diminution credits are deducted from an inmate's "term of confinement," which is defined as (1) the length of the sentence, for a single sentence; or (2) the period from the first day of the sentence that begins first through the last day of the sentence that ends last, for concurrent sentences, partially concurrent sentences, consecutive sentences, or a combination of concurrent and consecutive sentences.

Diminution credits are made for good conduct, work tasks, education, and special projects. Good conduct credit is awarded at the rate of five days per month if the inmate's term of confinement includes a sentence for a crime of violence or distribution of controlled dangerous substances. Good conduct credit is awarded at the rate of 10 days per month for all other inmates (except for those inmates who are statutorily prohibited from earning diminution credits). (For sentences imposed before October 1, 1992, good conduct credits are awarded at a rate of five days per month regardless of offense.)

An inmate may be allowed a deduction of five days from the inmate's term of confinement for each month during which the inmate manifests satisfactory progress in vocational courses or other educational and training courses. In addition, among special projects allowances are deduction for academic or vocational programs, including:

- assignment as a student to an academic or vocational education program coordinated through the Correctional Education Office;
- assignment as a student to an academic or vocational education program coordinated by the Federal Bureau of Prisons while in federal custody; or
- assignment to a registered apprenticeship training program.

Special project credits awarded by a local detention center, between the date an inmate is sentenced to the custody of the commissioner and the date the inmate is transferred to the division, qualify as special project credits. Special project credits are available to inmates as additional to work or education credits, so that an inmate gets five credits for the work or education project to which he or she is assigned and an additional five credits for having that particular project designated as a “special project.” Special projects do not exist outside of the context of a work or education assignment.

Background: The Task Force on Prisoner Re-Entry was established by Chapters 625 and 626 of 2009. To promote lower recidivism rates, the task force analyzed existing hurdles to the reintegration of adult and juvenile offenders into the community; guidelines and criteria for tracking outcomes of re-entry program participation by inmates; and data tracking of the pre- and post-release impact of re-entry programs. The task force developed a comprehensive re-entry plan as specified by the federal Second Chance Act of 2007 (P.L. 110-199) and submitted its final report to the Governor and General Assembly in December 2011.

The task force report included, as an appendix, a paper entitled *Determining What Works in Reentry: How to Measure the Success and Progress of Maryland’s Reentry Programs* (July 27, 2011). This paper was done by the Harvard Kennedy School at the request of the task force. It stated, in part, that in-prison educational programming can lead to improved post-release outcomes, specifically increased employment opportunities and decreased recidivism rates.

The State requires offenders serving a sentence of 18 months or greater, who do not have a high school diploma, to attend classes, but many simply never complete the program. In fiscal 2011, DOC education enrollment was 11,344; those completing education programs numbered 7,756. Of the program completions, 722 completed the mandatory basic education, 1,875 completed the low or high intermediate levels, 702 received a GED, and 156 completed an advanced college level program. An additional 850 completed occupational education programs and 3,451 completed a transitional program for reentry purposes. Under this bill, it is assumed that the 702 inmates receiving a GED, the 156 inmates completing the advanced college level program, and some (perhaps half) of the 850 inmates completing some of the occupational programs would qualify for the 60-day diminution credit.

State Fiscal Effect: Department of Public Safety and Correctional Services (DPSCS) advises that the bill will reduce the time served for some inmates which will result in a cost savings to DOC. DPSCS also indicates that the bill will decrease recidivism rates, thus reducing future State incarceration costs. Legislative Services assumes that such effects cannot be reliably predicted or quantified without some direct experience under

the bill. Any such outcomes will occur over time, but may be significant in both increasing diminution credit disbursements as well as reducing general recidivism rates.

Assuming the variable inmate costs of \$170 per month, State costs decrease by \$340 for each person completing a qualifying program under the bill. If the nearly 1,280 persons who completed qualifying programs in fiscal 2011 qualified for the 60-day reduction in time served, State costs will decrease by \$435,200 annually. Accounting for the bill's October 1, 2012 effective date, the savings would be \$326,400 in fiscal 2013.

The Department of Labor, Licensing, and Regulation, which operates current correctional education programs, advises that any potential increases in program participants can be handled with existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; Department of Public Safety and Correctional Services; Department of Legislative Services

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Analysis by: Guy G. Cherry

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