

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 821
Judiciary

(Delegate Cluster)

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 provides significant operational efficiencies for MPC, DPP, and DOC, though without any discernable fiscal effect.

Local Effect: Minimal. The same operational efficiencies for MPC will also provide parole hearing efficiencies for local detention facilities. However, the bill may also 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.

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. Certain persons are not eligible for parole while serving a mandatory minimum sentence.

Chapter 361 of 2011 requires DPP to complete and deliver a pre-parole investigation of an inmate in a local correctional facility to MPC within 60 days of commitment.

Background: This bill increases minimum parole eligibility from six months to one year. In fiscal 2011, the DOC inmate population intake was 6,966 persons. Of that number, 707 inmates were serving sentences of one year or less and would be ineligible for parole under this bill. Similar statistics are not available regarding sentence length of inmates at intake of local detention centers. In fiscal 2011 MPC conducted 1,463 parole hearings. In the first half of fiscal 2012, MPC conducted 1,352 parole hearings.

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. Chapter 361 of 2011 requires DPP to complete a pre-parole investigation on inmates sentenced to serve six months or more in local detention centers within 60 days of the date the sentence was imposed. MPC and DPP established an electronic mailbox that permits agents to electronically forward completed pre parole investigations to MPC.

MPC also currently conducts some parole hearings via video conferencing in Allegany, Baltimore, Frederick, Prince George’s, and Washington counties and anticipates establishing video links with Howard, Montgomery, and Talbot counties in the near future. MPC reports that, while these improvements have greatly increased the number of parole hearings conducted at local detention facilities, they have also taxed the current resources of the commission. There are only three “suites” available for all video conferencing by MPC, which are also used for parole revocation hearings.

Despite increased numbers of parole hearings in fiscal 2012, MPC reports that the number of inmates choosing not to have a parole hearing remains about the same from previous years. In fiscal 2011, 974 inmates waived parole hearings and 426 inmates waived parole hearings in the first six months of fiscal 2012. The most common circumstance for an inmate to waive parole consideration occurs when the time between a parole release and a release by expiration of sentence is short – perhaps only a matter of weeks. In that circumstance, some inmates prefer not to be subject to supervision by DPP and choose to serve out their sentence rather than having the parole release. Inmates granted parole are supervised until the expiration date of their full sentence.

MPC believes that changing the minimum sentence for parole eligibility to one year will not have a negative impact on those inmates who 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: HB 639 of 2011 received a hearing in the House Judiciary Committee, but no further action was taken.

Cross File: None.

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

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