

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 601

(Senators Gladden and Muse)

Education, Health, and Environmental Affairs

Appropriations

**Public Institutions of Higher Education - Waiver of Tuition - Individual
Exonerated After Wrongful Conviction**

This bill waives the tuition and mandatory fees for an individual who was incarcerated for 10 or more years by the State before being released due to having been exonerated by a court following a wrongful conviction for a crime by a court in the State. To qualify, the individual must also (1) have been enrolled at any institution of higher education in the United States on or before the date the individual was convicted of the crime; and (2) be accepted by and enrolled as a candidate for an associate's degree or a bachelor's degree at a public institution of higher education.

The bill takes effect July 1, 2012.

Fiscal Summary

State Effect: The number of individuals who qualify for this waiver is anticipated to be small. Higher education tuition revenues at public four-year institutions of higher education decrease by approximately \$8,100 per full-time equivalent student (FTES) qualifying for the tuition waiver beginning in FY 2013. Tuition revenues at Baltimore City Community College (BCCC) decrease by approximately \$3,000 per FTES qualifying for the tuition waiver beginning in FY 2013. Expenditures are not affected.

Local Effect: Tuition revenues at community colleges decrease approximately \$3,600 per FTES qualifying for the tuition waiver beginning in FY 2013. Expenditures are not affected.

Small Business Effect: None.

Analysis

Bill Summary: If the individual receiving a tuition and mandatory fees waiver due to being wrongfully convicted of a crime receives a scholarship or grant for postsecondary study and is enrolled as a candidate for an associate's degree or bachelor's degree at a public institution of higher education, the individual may not be required to pay the difference between the amount of the scholarship or grant and the amount of the tuition and mandatory fees.

The tuition and mandatory fees exemption is available until the earlier of six years after first enrolling as a candidate for an associate's degree or a bachelor's degree at a public institution of higher education in the State or the date the individual is awarded a bachelor's degree.

Current Law/Background: Very few individuals in the State have been exonerated by a court in the State following a wrongful conviction after having been incarcerated by the State for 10 or more years. It is likely that even fewer individuals were also enrolled at any institution of higher education in the United States on or before the date the individual was convicted of the crime. It is unknown how many individuals meet the qualifications, but the *Innocence Project* lists only one individual from Maryland who was exonerated after a wrongful conviction and who was incarcerated for 10 or more years. The *Baltimore Sun* chronicled the case of another individual.

State Revenues: Higher education tuition revenues decrease beginning in fiscal 2013 due to establishing a tuition waiver program for specified individuals who were exonerated after a wrongful conviction. The exact impact cannot be reliably quantified because it is unknown how many individuals will be eligible for and choose to use the waiver.

Using the proposed fall 2012 rates, the average annual tuition and fees for full-time resident undergraduates at public four-year institutions for fiscal 2013 is approximately \$8,100. The actual amount of the revenue decrease per FTES may be less depending on the number of credits attempted per recipient and the distribution of institutions waiver recipients choose to attend.

Tuition revenues also decrease at BCCC, the only State-operated community college, by up to \$3,000 per FTES receiving a waiver in fiscal 2013.

Future year revenue losses are dependent on the number of additional recipients who are eligible for a waiver and choose to use it, the number of credits attempted per student, and the distribution of institutions that waiver recipients choose to attend.

Local Revenues: Tuition revenues at locally operated community colleges decrease beginning in fiscal 2013 if eligible individuals choose to use a tuition waiver rather than the scholarship. The average annual tuition and fees for full-time in-county students at the community colleges for fiscal 2012 was \$3,575. The actual amount of the revenue decrease per FTES may be less depending on the number of credits attempted per student and the distribution of institutions waiver recipients choose to attend.

Future year revenue losses are dependent on the number of additional recipients who are eligible for a waiver and choose to use it, the number of credits attempted per student, and the distribution of institutions that waiver recipients choose to attend.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City Community College, Judiciary (Administrative Office of the Courts), Morgan State University, Office of the Public Defender, University System of Maryland, *Innocence Project*, *The Baltimore Sun*, Department of Legislative Services

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clb/rhh

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