

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 656
Judiciary

(Delegates Kramer and W. Miller)

Correctional Services - Limitation on Total Number of Diminution Credits -
Single Sentence for Crime of Violence

This bill specifies that a statutory limitation on diminution credit earning potential of an inmate sentenced to a term of confinement for a crime of violence applies to any sentence, including a single sentence, as well as to a consecutive or concurrent sentence for a crime of violence.

Fiscal Summary

State Effect: None. The bill's changes are intended to clarify that the reduced calculation applies to all sentences for those crimes, including consecutive, concurrent, and standalone sentences. There is no fiscal or operational impact on the Division of Correction (DOC).

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: 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In addition, an inmate whose mandatory supervision release has been revoked may not be awarded any new diminution credits on the term of confinement for which the inmate was on mandatory supervision release.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 5 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 5 days per month regardless of offense.)

A person serving a sentence of longer than 18 months is incarcerated in a DOC facility. A person serving a sentence of one year or less in a jurisdiction other than Baltimore City is sentenced to a local detention facility. For a person sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC.

Under § 14-101 of the Criminal Law Article, "crime of violence" means (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking; (11) armed carjacking; (12) sexual offenses in the first and second degrees; (13) use of a handgun in the commission of a felony or other crime of violence; (14) child abuse in the first degree; (15) specified instances of sexual abuse of a minor; (16) an attempt to commit any of the crimes listed above; (17) continuing course of conduct with a child; (18) assault in the first degree; (19) assault with intent to murder; (20) assault with intent to rape; (21) assault with intent to rob; and (22) assault with intent to commit a sexual offense in the first or second degree.

Between 15,000 and 16,000 persons are admitted to and released from DOC facilities annually. During fiscal 2010, 3,711 persons were released as a result of expiration of sentence, while 4,495 persons were released as a mandatory supervision release resulting from diminution credits.

Additional Information

Prior Introductions: None.

Cross File: SB 568 (Senator King) - Judicial Proceedings.

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

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ncs/hlb

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