

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1141

(Delegate Swain, *et al.*)

Judiciary

Judicial Proceedings

Correctional Services - Revocation of Parole - Repeal of Sunset

This bill repeals the June 30, 2014, termination date for Chapter 381 of 2011, which authorized the parole commissioner who conducted the hearing on the revocation of a parole to require the inmate to serve any unserved portion of the sentence originally imposed on the inmate.

The bill takes effect June 1, 2014.

Fiscal Summary

State Effect: Minimal. Continuing the authority of a parole commissioner granted under Chapter 381 of 2011 does not significantly affect the operations of the Maryland Parole Commission (MPC) or overall State finances. The ability to grant parole continues as one of several options available to a parole commissioner conducting a revocation hearing.

Local Effect: Minimal. Although local correctional facility inmates may qualify for a parole revocation hearing, continuing the authority of a parole commissioner granted under Chapter 381 of 2011 is not expected to significantly affect local operations of finances.

Small Business Effect: None.

Analysis

Current Law: MPC has the exclusive power to authorize the parole of an inmate in State correctional facilities, excluding the Patuxent Institution, or a local correctional facility.

Chapter 381 of 2011 repealed the general requirement that an inmate whose parole is revoked serve the remainder of the sentence imposed. Instead, the Act authorized the parole commissioner who conducts a revocation of parole hearing to grant parole or require the inmate to serve any unserved portion of the sentence originally imposed. In addition, the Department of Public Safety and Correctional Services (DPSCS) was required to submit a report by October 1, 2013, on the number of inmates whose sentences of imprisonment following a revocation of parole were reduced as a result of the Act and the recidivism rate for inmates released following revocation of parole as a result of the bill.

Chapter 381 took effect October 1, 2011, and terminates June 30, 2014.

Background: Prior to the enactment of Chapter 381, a parole commissioner was only authorized to set a date for a revocation hearing to be conducted on the remaining sentence of the person whose parole was revoked. According to the DPSCS report, since Chapter 381 took effect on October 1, 2011, through December 31, 2013, MPC has granted parole at revocation hearings to 166 offenders. Of that number, 33 offenders have subsequently been returned to incarceration (28 offenders committed technical violations and 5 offenders returned due to new offenses).

Additional Information

Prior Introductions: None.

Cross File: SB 867 (Senator Benson) - Judicial Proceedings.

Information Source(s): Howard and Montgomery counties, Office of the Public Defender, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2014
mc/lgc Revised - House Third Reader - March 13, 2014

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