

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 715 (Delegate Grammer)
 Judiciary

Correctional Services - Violent Crime - Parole

This bill alters the parole eligibility for an inmate sentenced to the Division of Correction (DOC) for a violent crime committed on or after October 1, 2023.

Fiscal Summary

State Effect: General fund expenditures increase by \$360,000 in FY 2024 only for computer programming. Otherwise, the bill does not materially affect State operations or finances in the short term. In the future, general fund expenditures increase for the Department of Public Safety and Correctional Services (DPSCS) as individuals serve longer sentences under the bill, partially offset by a minimal decrease in expenditures for the Maryland Parole Commission (MPC), as discussed below. Revenues are not affected.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	360,000	0	0	0	0
Net Effect	(\$360,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Offenders sentenced for violent crimes typically are not sentenced to local correctional facilities; therefore, local finances are not anticipated to be materially affected.

Small Business Effect: None.

Analysis

Bill Summary: An inmate sentenced to DOC for a violent crime committed on or after October 1, 2023, is not eligible for parole until the inmate has served the greater of

(1) 85% of the inmate's aggregate sentence for violent crimes or (2) one-fourth of the inmate's total aggregate sentence. In addition, an inmate sentenced to more than one term of imprisonment, including a term during which the inmate is eligible for parole and a term during which the inmate is not eligible for parole, is not eligible for parole until the inmate has served the greater of (1) 85% of the inmate's aggregate sentence for violent crimes; (2) one-fourth of the inmate's total aggregate sentence; or (3) a period equal to the term during which the inmate is not eligible for parole.

An inmate who has been sentenced to life imprisonment after being convicted of a crime committed on or after October 1, 2023, is not eligible for parole consideration until the inmate has served 40 years without application of diminution credits.

Current Law: Parole is a discretionary and conditional release from imprisonment determined after a hearing for an inmate who is eligible to be considered for parole. If parole is granted, the inmate is allowed to serve the remainder of the sentence in the community, subject to the terms and conditions specified in a written parole order.

MPC has jurisdiction regarding parole for eligible inmates sentenced to State correctional facilities and local detention centers. Inmates in the Patuxent Institution who are eligible for parole are under the jurisdiction of the Patuxent Board of Review. An inmate sentenced to serve less than six months is not eligible for parole. Generally, when an inmate serving a sentence of six months or more has served one-fourth of the inmate's sentence, the inmate is entitled to be considered for parole, subject to specified exceptions.

An inmate sentenced for a violent crime committed on or after October 1, 1994, is not eligible for parole until after having served the greater of one-half of the inmate's aggregate sentence for violent crimes or one-fourth of the inmate's total aggregate sentence. If the inmate has been sentenced to more than one term of imprisonment, including a term during which the inmate is not eligible for parole, the inmate is also not eligible for parole until the inmate has served a period equal to the term during which the inmate is not eligible for parole.

State Expenditures: General fund expenditures increase by \$360,000 in fiscal 2024, only for programming updates to the Offender Case Management System in order to track the aggregate sentence for inmates convicted of a violent crime under the bill's provisions.

DPSCS advises that inmates serving sentences for violent crimes typically serve 70% of their sentences before release. Accordingly, general fund incarceration expenditures increase in the future as individuals serve longer sentences due to the bill's changes. However, the increase in incarceration expenditures may be partially offset by a minimal decrease in expenditures for MPC due to fewer parole hearings, as MPC advises that an

inmate who has served 85% of the individual's sentence would be close to mandatory release at the time of parole eligibility, thus removing the need for a parole hearing.

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$4,970 per month. Excluding overhead, the average cost of housing a new State inmate (including health care costs) is about \$1,219 per month. Excluding all health care (which is a fixed cost under the current contract), the average variable costs total \$282 per month.

DOC advises that in fiscal 2022, the division received 402 inmates that were convicted of a violent crime. *For illustrative purposes only*, for *each* inmate that remains incarcerated for four additional years as a result of the bill, based on the *current* average variable inmate costs of \$282 per month (excluding health care), State incarceration costs increase by approximately \$13,536.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1063 of 2022; HB 678 of 2021; and HB 1325 of 2020.

Designated Cross File: None.

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

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rh/lgc

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