

**Department of Legislative Services**  
Maryland General Assembly  
2023 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 569

(Senators Folden and Corderman)

Judicial Proceedings

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**Correctional Services - Murder - Diminution Credits**

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This bill prohibits an inmate serving a sentence for the crime of murder in the first degree or murder in the second degree, in a State or local correctional facility, from earning diminution credits to reduce the term of confinement.

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**Fiscal Summary**

**State Effect:** The bill does not materially affect State operations or finances in the near 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, as discussed below. Revenues are not affected.

**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.

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**Analysis**

**Current Law:** Generally, inmates sentenced to a State correctional facility are entitled to earn diminution of confinement credits to reduce the lengths of their incarcerations. Individuals sentenced for a “crime of violence” earn diminution credits at a lower rate than other inmates. The following types of inmates may not earn diminution credits:

- an inmate who is serving a sentence for first- or second-degree rape against a victim younger than 16;

- an inmate who is serving a sentence for first- or second-degree sexual offense, as the offenses existed before October 1, 2017, against a victim younger than 16;
- an inmate who is serving a sentence for a subsequent conviction of third-degree sexual offense against a victim younger than 16; and
- an inmate imprisoned for a lifetime sexual offender supervision violation.

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 or programs. For additional information on diminution credits, see the [Maryland Diminution Credit System](#) report published by the Department of Legislative Services in December 2020.

**State Expenditures:** 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.

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.

During fiscal 2022, the Division of Correction received 34 incarcerated individuals convicted of first- or second-degree murder. Nine were sentenced to life, 25 were sentenced to fixed-length terms, and none were sentenced to life without parole. The most diminution credits that an inmate can earn each year is 180 days. *For illustrative purposes only*, for each inmate that remains incarcerated for five 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 \$16,920.

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### **Additional Information**

**Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 1265 of 2020.

**Designated Cross File:** None.

**Information Source(s):** Baltimore, Frederick, and Montgomery counties; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2023  
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