

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 678
Judiciary

(Delegate Buckel)

Crimes of Violence – Parole (Stopping Dangerous and Violent Criminals Act of
2021)

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, 2021.

Fiscal Summary

State Effect: 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.

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, 2021, is not eligible for parole until the inmate has served the greater of (1) 90% 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) 90% 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.

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: 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 90% 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 \$3,900 per month. Excluding overhead, the average cost of housing a new State inmate (including health care costs) is about \$1,075 per month. Excluding all health care (which is a fixed cost under the current contract), the average variable costs total \$222 per month.

DOC advises that in fiscal 2020, there were 3,808 intakes, of which 1,025 were sentenced on one or more violent crimes; 40 of these inmates were sentenced to life in prison. The average total sentence length of those not sentenced to life in prison was approximately 13 years.

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 \$222 per month (excluding health care), State incarceration costs increase by approximately \$10,700.

Additional Information

Prior Introductions: HB 1325 of 2020 received a hearing in the House Judiciary Committee, but no further action was taken.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 12, 2021
rh/lgc

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