

Department of Legislative Services
2012 Session

FISCAL AND POLICY NOTE

House Bill 681
Judiciary

(Delegate Simmons)

Truth in Sentencing Task Force

This bill establishes a Truth in Sentencing Task Force to examine and report on various specified issues relating to sentencing, diminution credits, early release, parole, and the impact that the elimination of early releases would have on the ability of prison officials to control inmate behavior. The bill specifies the membership of the task force and requires the Governor to appoint a chair from among the members. Staffing is provided by the Department of Public Safety and Correctional Services (DPSCS). The task force must report its findings and recommendations to the General Assembly by December 31, 2012.

The bill takes effect June 1, 2012, and terminates on May 31, 2013.

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for DPSCS are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Maryland Parole Commission has the exclusive power to authorize the parole of an inmate in the Division of Correction (DOC) or a local correctional facility. An inmate serving a sentence is not eligible for parole until the inmate has served in confinement one-fourth of the inmate's aggregate sentence. A person serving a sentence for a crime of violence is not entitled to a parole hearing until after having

served one-half of the term. Certain persons are not eligible for parole while serving a mandatory minimum sentence.

When an inmate's total number of diminution credits is equal to the remainder of the sentence, including consideration for any losses of credits, the inmate is eligible for mandatory supervision release. A deduction may not be allowed for a period during which an inmate does not receive credit for service of the inmate's term of confinement, including a period (1) during which the inmate's sentence is stayed; (2) during which the inmate is not in DOC custody because of escape; or (3) for which the Maryland Parole Commission has declined to grant credit after revocation of parole or mandatory supervision.

Inmates granted parole or released on mandatory supervision are supervised by the Division of Parole and Probation. The standard conditions of supervision are the same for both parolees and persons released on mandatory supervision release. The Maryland Parole Commission has the authority to impose any additional conditions of parole or mandatory supervision. Inmates accused of violating the conditions of their supervision have a hearing conducted by a parole commissioner.

Background: Most states have policies awarding eligible inmates in state prisons and/or local correctional facilities some form of limited, credit-based early release. States with "truth-in-sentencing" policies typically had a target for convicted persons to serve at least 85% of their sentence or term – especially those convicted of felonies and other more serious crimes. As its name suggests, these policies tend to ensure that the actual time served by offenders is closer to the length of sentence they were given, thus decreasing the amount of diminution credit which may be applied to their sentence.

Additional Information

Prior Introductions: HB 874 of 2011 and HB 138 of 2009 received hearings in the House Judiciary Committee, but no further action was taken on either bill.

Cross File: None.

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

Fiscal Note History: First Reader - March 6, 2012
mlm/hlb

Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510