Larry Hogan
Governor

Boyd K. Rutherford
Lieutenant Governor

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Justice Reinvestment Initiative Fact Sheet

Overview

The Justice Reinvestment Initiative is a nationwide, data-driven approach to improve public safety, reduce corrections spending and reinvest savings in strategies that can decrease crime and reduce recidivism. Seeking to maximize the public safety returns on Maryland's corrections spending, the 2015 General Assembly passed and Governor Hogan signed Senate Bill 602 which established a bipartisan, inter-branch Justice Reinvestment Coordinating Council. The Council was tasked with developing a statewide framework of sentencing and corrections policies, specifically focused on changes in the corrections system to maximize further reductions in the incarcerated population and crime rate for every taxpayer dollar spent.

Reinvestment Priorities

- Treatment
- A performance incentive grant program
- Restitution collection for victims of crime
- Re-entry
- Beds for medical parolees
- Training for criminal justice decision makers

Findings & Recommendations

Through the analysis of Maryland's prison data, the Justice Reinvestment Coordinating Council discovered that while admissions are down 19 percent over the last 10 years, 58 percent are for nonviolent crimes and nearly 60 percent of prison admissions are failures of probation or post-release supervision. Approximately 43 percent of probation revocations and over 70 percent of parole and mandatory supervision returns are for technical violations. Time served across all offense types has gone up 23 percent in the last decade, driven by a 25 percent increase in average sentence length. From this data, the Justice Reinvestment Coordinating Council made 19 recommendations that were submitted to Governor Hogan and the Maryland General Assembly.

Justice Reinvestment Act (Chapter 515)

The Justice Reinvestment Act represents the most comprehensive criminal justice reform to pass in a generation. It works to hold individual offenders accountable for their actions and the government accountable for its responsibility to spend tax dollar wisely and ensure safe communities. The Act emphasizes treatment for those struggling with addiction, provides an opportunity to elevate the voice of victims, and strengthens community supervision through evidence-based practices. The provisions of the Act involving crimes, corrections, and the courts are effective October 1, 2017. The provisions establishing the Justice Reinvestment Oversight Board and the required reports and studies are effective October 1, 2016.

Focuses prison beds on serious, repeat offenders:

- Eliminates mandatory minimum sentences for controlled dangerous substance felonies; maintains mandatory minimums for violent offenders, volume dealers, drug kingpins, and firearms-related offenses
- Third and subsequent controlled dangerous substance felony offenses are eligible for parole at 50 percent of time served, instead of the current 25 percent
- Provides subsequent drug offenders currently serving a mandatory minimum sentence an opportunity to appeal the sentence for up to one year
- Doubles the sentence for controlled dangerous substance felonies where there is a prior crime of violence
- Creates Racketeer Influenced and Corrupt Organizations (RICO) language similar to federal language to allow prosecutors to target high level drug traffickers

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- Maximum sentence for second degree murder increased from 30 to 40 years
- Maximum sentence for child abuse that results in death increased to life sentence
- Theft will be charged as a felony at $1,500 instead of $1,000 with a maximum sentence of 5 years, and theft charges under $1,500 will be charged as a misdemeanor with a maximum sentence of 18 months
- Administrative release process for low level offenders at 25 percent of sentence served if a case plan is followed, there are no major conduct infractions, the victim does not request a hearing, and the Parole Commission deems a hearing unnecessary
- Eliminates disparity between crack and powder cocaine for volume dealers
- Eliminates jail time for driving while suspended for failure to pay a fine
- Lowers age for geriatric parole eligibility from 65 years old to 60 after individual has served 15 years; makes previously eligible sex offenders ineligible
- Expands the use of medical parole

Emphasizes treatment for those struggling with addiction:

- Requires the Department of Health and Mental Hygiene to facilitate immediate treatment to defendants ordered to Heath General Article Section 8-507 drug treatment
- Revised drug possession penalties: 1st offense – up to a year; 2nd or 3rd – up to 18 months; 4th and subsequent – up to 2 years

Elevates the voices of victims of crime:

- All inmates ordered to pay restitution to the victim will have 25 percent withheld of any inmate earnings for restitution
- Also requires that 5 percent of the grants provided through the Performance Incentive Grant Fund go to victims' programs and orders a study of the current restitution process to determine how to better collect restitution

Strengthens community supervision through evidence-based practices:

- Revocation caps for technical violations (i.e., violations not involving new crimes) of parole and probation: 1st offense – up to 15 days; 2nd – up to 30 days; 3rd – up to 45 days; 4th and subsequent – judicial discretion up to the remainder of the sentence
- Incentivizes evidence-based programming by expanding in-prison good time behavior and program credits

Expands opportunities for ex-offenders:

- An individual may file a petition of expungement of their record if the person is convicted of certain misdemeanor offenses and it has been 10 years since the individual has satisfied the sentence
- Creates certificate of completion for first time, nonviolent, non-sex offenders who successfully complete supervision

Oversight mechanisms to ensure legislation is implemented as intended:

- Establishes a Justice Reinvestment Oversight Board, a Local Government Justice Reinvestment Commission, and an advisory board of criminal justice stakeholders
- Establishes a performance incentive grant fund administered by the Oversight Board
- Requires studies of restitution process, substance abuse gaps and needs, collateral consequences of convictions, needs of local correctional facilities, the number of substance abuse assessments annually by the courts, and how to include more alternatives to incarceration in the sentencing guidelines