

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 595 (Senators Derr and Ferguson)
(Frederick County Senators)

Judicial Proceedings

Referred to Judiciary

Frederick County and Baltimore County - Aggravated Harassment by Inmates

This amended bill makes it a felony in Frederick and Baltimore counties to throw or expel a “body fluid” at or near a “detention employee” with intent to harass, annoy, threaten, or alarm the detention employee.

Violators are subject to a mandatory minimum sentence of imprisonment for not less than three years. The maximum incarceration penalty is not more than five years. A sentence must run consecutively to any sentence that was being served at the time of the violation, or if the inmate was being detained before trial, to the sentence that was imposed from the offense for which the inmate was awaiting trial. Persons convicted under this provision may not be eligible to participate in community service, work release, or home detention programs.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill’s penalty provision.

Local Effect: None.

Small Business Effect: None. The bill would not directly affect small businesses.

Fiscal Analysis

State Expenditures: General fund expenditures could increase as a result of the bill’s incarceration penalty due to more people being committed to a Division of Correction (DOC) facility for longer periods of time.

Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1998 the average monthly cost per inmate is estimated at \$1,500. For illustrative purposes, under the bill's mandatory minimum incarceration penalty, the average time served would be 36 months. Thus State costs could increase by \$54,000 for each person given a consecutive new sentence under the bill.

While the number of violations of this provision cannot be reliably estimated at this time, they are assumed to be few. Accordingly, any increase in expenditures is anticipated to be minimal.

Information Source(s): Frederick County, Department of Fiscal Services

Fiscal Note History: First Reader - March 4, 1997

nrd Revised - Senate Third Reader - March 24, 1997

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