

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 78 (Chairman, Judicial Proceedings Committee)
(Departmental - State Police, Dept. of)

Judicial Proceedings

Referred to Judiciary

Crimes - Explosives - False Statements and Representations - Penalties

This amended emergency departmental bill makes the crime of false statements or rumors as to bombs a felony rather than a misdemeanor. The maximum incarceration penalty for such an offense is increased from one year to ten years. The bill also provides that convicted offenders under this section may be ordered by a court to pay restitution to the owner or tenant of a property for the value of any goods, services, or income lost as the result of a related evacuation of the property.

In addition, the bill makes the manufacture, possession, transportation, or placement of representative explosive devices a felony rather than a misdemeanor. The maximum fine and incarceration penalties for such an offense is increased from \$1,000 and/or one year to \$10,000 and/or ten years. The bill also provides that convicted offenders may be ordered by a court to pay restitution to State or local government agencies for the costs of searching for and removing the device, as well as restitution for the owner or tenant of the property as cited above.

Fiscal Summary

State Effect: Potential indeterminate increase in general fund revenues and expenditures due to the bill's restitution and incarceration provisions.

Local Effect: Potential indeterminate increase in revenues due to the bill's restitution and monetary penalty provisions. Potential indeterminate decrease in local incarceration expenditures.

Small Business Effect: The Department of State Police has determined that this bill has minimal or no impact (attached). Fiscal Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Fiscal Analysis

State Revenues: General fund revenues could increase under the bill's restitution provision for search and removal costs, depending upon the number of convictions and the magnitude of the court orders.

State Expenditures: General fund expenditures could increase as a result of the bill's increased incarceration penalties due to more people being committed to a Division of Correction (DOC) facility for longer periods of time, depending upon the number of convictions and sentences imposed.

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 \$1,400. For illustrative purposes, under the bill's increase in maximum incarceration penalties the average time served would be 60 months. Thus State costs could increase by \$84,000 for each person imprisoned under the bill.

Local Revenues: Revenues could increase under the bill's restitution provisions and increased monetary penalty provisions for those cases heard in the circuit courts, depending upon the number of convictions, the fines imposed, and the magnitude of court orders for restitution.

Local Expenditures: Expenditures could decrease as a result of persons convicted of these crimes being sentenced to a DOC facility rather than a local detention center. The magnitude of such a potential savings cannot be reliably estimated at this time.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Department of Fiscal Services

Fiscal Note History: First Reader - January 8, 1997
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