

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 253

(Delegate Grosfeld, *et al.*)

Judiciary

Judicial Proceedings

Domestic Violence - Penalties

This bill provides that a respondent who willfully fails to complete counseling or a domestic violence program ordered as part of a protective order is guilty of a misdemeanor and on conviction is subject to:

- for a first offense, a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both; and
- for a second or subsequent offense, a fine not exceeding \$2,500 or imprisonment not exceeding one year or both.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Minimal increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: A person who fails to comply with the relief granted in an ex parte or protective order is guilty of a misdemeanor and on conviction is subject to:

- for a first offense, a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both; and
- for a second or subsequent offense, a fine not exceeding \$2,500 or imprisonment not exceeding one year or both.

State Revenues: General fund revenues could increase minimally as a result of the bill's fine provisions from cases heard in District Court. The bill is not expected to result in a significant number of additional prosecutions.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalties due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs.

Persons serving a sentence of any duration in Baltimore City are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,700 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$288 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2002 are estimated to range from \$9 to \$52 per inmate depending upon the jurisdiction.

Local Revenues: Revenues could increase minimally a result of the bill's monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$17 to \$77 per inmate in fiscal 2002.

Additional Information

Prior Introductions: A similar bill was introduced during the 1996 session as HB 335. That bill received an unfavorable report from the Judiciary Committee.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Judiciary (Administrative Office of the Courts), Department of Legislative Services

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ef/jr

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