

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

House Bill 65 (Delegate Tarrant)  
Judiciary

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**Criminal Law - Harassment - Penalties and Prohibition Applied to Neighborhood Watch**

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This bill increases the incarceration penalties for harassment and specifies that the prohibition against harassing another person applies to a member of a neighborhood watch organization. Under the bill, a first offense is subject to a penalty of imprisonment for up to 180 days (rather than 90 days) and/or a maximum fine of \$500. A second or subsequent offense is punishable by imprisonment for up to one year (rather than 180 days) and/or a \$1,000 maximum fine.

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**Fiscal Summary**

**State Effect:** Minimal increase in general fund expenditures due to the bill's enhanced incarceration penalties.

**Local Effect:** Minimal increase in local expenditures due to the bill's enhanced incarceration penalties.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person may not follow another person in or about a public place or maliciously engage in a course of conduct that alarms or seriously annoys the other person (1) with the intent to harass, alarm, or annoy the other person; (2) after receiving a reasonable warning or request to stop by or on behalf of the other person; and (3) without a legal purpose. The prohibition does not apply to a peaceable activity intended to express a political view or provide information to others. First-time offenders are subject

to imprisonment for up to 90 days and/or a maximum fine of \$500. The maximum penalty for a second or subsequent offense is imprisonment for up to 180 days and/or a maximum fine of \$1,000.

There is no definition for a “neighborhood watch organization” in the Maryland Code.

**Background:** The role of neighborhood watch groups was subject to extensive media coverage and national discussion recently as a result of the Trayvon Martin case. On February 26, 2012, Trayvon Martin, an unarmed 17 year old, was shot to death after an altercation with George Zimmerman, a neighborhood watch captain who approached Martin despite being advised by 9-1-1 operators to remain in his vehicle when he called to report a “suspicious person” in the neighborhood. Zimmerman, who claimed he acted in self-defense, was eventually acquitted of second degree murder.

According to the Administrative Office of the Courts, there were 2,240 violations of the harassment provisions under Criminal Law, § 3-803 in the District Court during fiscal 2012. The Maryland Sentencing Guidelines Database indicates that there were five convictions for violations of Criminal Law, § 3-803 in the State’s circuit courts during fiscal 2013.

**State Expenditures:** General fund expenditures increase minimally as a result of the bill’s enhanced incarceration penalties due to people being committed for longer periods of time to State correctional facilities for convictions in Baltimore City.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

**Local Expenditures:** Expenditures increase minimally as a result of the bill’s enhanced incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

The Montgomery County Police Department advises that the bill does not have a fiscal impact. According to Prince George’s County, any increase in county correctional costs generated by the bill will depend on the number of violators and the sentences imposed in harassment cases.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery and Prince George's counties, Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, CNN.com, Department of Legislative Services

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