

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 967
Judiciary

(Delegate Niemann)

Judicial Proceedings

Crimes - Malicious Destruction of Property - Defenses

This bill establishes that in a prosecution for malicious destruction of property, it is not a defense that the defendant was a joint owner of the damaged property if the defendant's intent was to deprive another joint owner of the value of the property.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures if the bill's elimination of a defense results in more convictions subject to existing statutory monetary and incarceration penalties.

Local Effect: Potential minimal increase in local revenues from fines imposed in circuit court cases. Potential minimal increase in local expenditures if the bill's elimination of a defense subjects more people to incarceration.

Small Business Effect: None.

Analysis

Current Law: A person may not willfully and maliciously destroy, injure, or deface the real or personal property of another. A violator causing damage of at least \$1,000 to the property is guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a fine of \$2,500. A violator causing damage of less than \$1,000 to the property is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 60 days and/or a fine of \$500.

In addition to the penalties cited above, the court must order a person convicted of causing malicious destruction by an act of graffiti to pay restitution and/or perform community service.

The value of damage is based on the evidence and that value must be applied for the purpose of imposing penalties. If it cannot be determined from the evidence whether the value of the damage to the property is more or less than \$1,000, the value is deemed to be less than \$1,000. To determine a penalty, the court may consider the aggregate value of damage to each property resulting from one scheme or continuing course of conduct as one crime. If separate acts resulting in damage to the properties of one or more owners are set forth by separate counts in one or more charging documents, the separate counts may not be merged for sentencing.

Background: According to the Maryland State Commission on Criminal Sentencing Policy, there were 50 convictions for malicious destruction of property of at least \$500 and 35 convictions for malicious destruction of property less than \$500 in the State's circuit courts during fiscal 2013. According to the District Court, between calendar 2009 and 2011, there were 250 adjudicated cases of malicious destruction of property.

Chapter 415 of 2013 altered the threshold values for malicious destruction of property from \$500 to \$1,000, effective October 1, 2013.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the Public Defender, Maryland State Commission on Criminal Sentencing Policy, Department of Legislative Services

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ncs/kdm

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