

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 863
Judiciary

(Delegate McComas, *et al.*)

Criminal Law - Hazing - Elements and Penalties

This bill expands the crime of hazing by prohibiting a person from recklessly or intentionally doing an act or creating a situation that subjects a student to the risk of mental or emotional distress for the purpose of an initiation into a student organization of a school, college, or university.

The bill also increases the maximum penalty for hazing from imprisonment for up to six months and/or a \$500 maximum fine to imprisonment for up to nine months and/or a \$2,500 maximum fine.

Fiscal Summary

State Effect: Minimal increase in general fund revenues from fines imposed in the District Court. Minimal increase in general fund expenditures for incarcerations in Baltimore City.

Local Effect: Minimal increase in local revenues from fines imposed in circuit court cases. Minimal increase in local incarceration expenditures for jurisdictions other than Baltimore City.

Small Business Effect: None.

Analysis

Current Law: Under the statutory prohibition on hazing, a person may not recklessly or intentionally do an act or create a situation that subjects a student to the risk of serious bodily injury for the purpose of an initiation into a student organization of a school, college, or university. Violators are guilty of a misdemeanor, punishable by imprisonment for up

to six months and/or a \$500 maximum fine. The implied or express consent of a student to hazing is not a defense.

State Revenues: General fund revenues increase minimally from fines imposed in the District Court.

State Expenditures: General fund expenditures increase minimally due (1) to more people being committed to State correctional facilities for convictions in Baltimore City and (2) people being committed to State correctional facilities for longer lengths of time for convictions in Baltimore City. The number of additional people convicted of hazing as a result of the bill is expected to be minimal.

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 Revenues: Revenues increase minimally from fines imposed in cases heard in the circuit courts.

Local Expenditures: Expenditures increase as a result of the bill's changes to the hazing offense and its incarceration penalty. 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.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City Community College, Maryland State Commission on Criminal Sentencing Policy, Maryland State Department of Education, Maryland Higher Education Commission, Judiciary (Administrative Office of the Courts), Office of the Public Defender, State's Attorney's Association, University System of Maryland, Department of Legislative Services

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md/kdm

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