

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 1158 (Senator Muse)
Judicial Proceedings

Crime of Violence - Educational Facilities, Medical Facilities, and Places of
Worship - Penalty (Sacred Places Safety Act)

This bill prohibits a person from committing a crime of violence, as defined under § 14-101 of the Criminal Law Article, in an educational facility, a medical facility, or a place of worship. Violators are guilty of a felony, punishable by imprisonment for up to 10 years in addition to any other penalty imposed for the underlying crime of violence. A sentence imposed for this offense may be imposed separate from and consecutive to or concurrent with a sentence imposed for any crime based on the act establishing the violation of the bill. **The bill takes effect June 1, 2024.**

Fiscal Summary

State Effect: Minimal increase in general fund expenditures for the Department of Public Safety and Correctional Services (DPSCS), beginning in the out-years, for lengthier incarcerations resulting from the bill.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: An “educational facility” includes (1) an elementary or secondary school and the surrounding grounds and (2) an institution of higher education, as defined in § 10-101 of the Education Article.

A “medical facility” includes (1) a health care facility, as defined in § 19-114 of the Health-General Article; (2) any public or private clinic, hospital, or other institution that provides or purports to provide treatment or other services for individuals who have mental disorders; and (3) an agency, clinic, or an office operated under the direction of the local health officer or under the regulatory authority of the Maryland Department of Health. A “health care facility” includes a hospital, an ambulatory surgical facility, a home health agency, and other specified facilities.

A “place of worship” means a nonresidential location where more than one individual assembles for purposes of religious or spiritual observance.

Current Law: Section 14-101(a) of the Criminal Law Article defines a “crime of violence” as (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking (including armed carjacking); (11) first- and second-degree sexual offenses; (12) use of a firearm in the commission of a felony or other crime of violence, except possession with intent to distribute a controlled dangerous substance (CDS); (13) child abuse in the first degree; (14) sexual abuse of a minor under specified circumstances; (15) home invasion; (16) felony sex trafficking and forced marriage; (17) an attempt to commit crimes (1) through (16); (18) continuing course of certain sexual conduct with a child; (19) assault in the first degree; and (20) assault with intent to murder, rape, rob, or commit a sexual offense in the first or second degree.

Mandatory Sentences for Crimes of Violence

Subsequent offenders sentenced for a crime of violence under § 14-101 of the Criminal Law Article are generally subject to mandatory sentences. For a second conviction of a crime of violence committed on or after October 1, 2018, a person must be sentenced to a mandatory minimum, nonsuspendable and nonparolable term of 10 years, if the person has been convicted on a prior occasion of a crime of violence (including a conviction for a crime committed before October 1, 2018) and served a term of confinement in a correctional facility for that conviction.

For a third conviction, a person must be sentenced to a mandatory minimum, nonsuspendable and nonparolable term of 25 years, if the person has been convicted on two prior separate occasions of a crime of violence, in which the second or succeeding crime is committed after there has been a charging document filed for the preceding occasion and for which the convictions do not arise from a single incident, and has served at least one term of confinement in a correctional facility as a result of a conviction of a crime of violence.

For a fourth conviction, a person who has served three separate terms of confinement in a correctional facility as a result of three separate convictions of any crime of violence must be sentenced to life imprisonment without the possibility of parole.

Diminution Credits

Generally, incarcerated individuals sentenced to a State correctional facility are entitled to earn diminution of confinement credits to reduce the lengths of their incarcerations. Individuals sentenced for a “crime of violence” earn diminution credits at a lower rate than other incarcerated individuals. The following types of incarcerated individuals may not earn diminution credits:

- an incarcerated individual who is serving a sentence for first- or second-degree rape against a victim younger than 16;
- an incarcerated individual who is serving a sentence for first- or second-degree sexual offense, as the offenses existed before October 1, 2017, against a victim younger than 16;
- an incarcerated individual who is serving a sentence for a subsequent conviction of third-degree sexual offense against a victim younger than 16; and
- an incarcerated individual imprisoned for a lifetime sexual offender supervision violation.

Diminution credits are deducted from an incarcerated individual’s “term of confinement,” which is defined as (1) the length of the sentence, for a single sentence or (2) the period from the first day of the sentence that begins first through the last day of the sentence that ends last, for concurrent sentences, partially concurrent sentences, consecutive sentences, or a combination of concurrent and consecutive sentences.

Diminution credits are made for good conduct, work tasks, education, and special projects or programs. For additional information on diminution credits, see the [Maryland Diminution Credit System](#) report published by the Department of Legislative Services (DLS) in December 2020.

Crimes Committed in Educational Facilities, Medical Facilities, or Places of Worship

There are no increased penalties under existing statute for committing a crime of violence or other crimes in an educational facility, a medical facility, or a place of worship. However, there are standalone criminal prohibitions that apply to conduct undertaken in or just outside of educational facilities, medical facilities, or places of worship, including but not limited to the following:

- a person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property – § 4-102 of the Criminal Law Article;
- a person may not manufacture, distribute, dispense, or possess with intent to distribute a CDS in a school vehicle, or in, on, or within 1,000 feet of real property owned by or leased to an elementary or secondary school and used for educational purposes – § 5-627 of the Criminal Law Article;
- a person may not threaten an individual with or use physical violence to coerce, induce, or solicit the individual to participate in (or prevent the individual from leaving) a criminal organization in a school vehicle, or in, on, or within 1,000 feet of real property owned by or leased to an elementary or secondary school and used for educational purposes – § 9-803 of the Criminal Law Article;
- a person may not intentionally act, alone or with others, to prevent another from entering or exiting a medical facility by physically detaining the other or obstructing, impeding, or hindering the other’s passage – § 10-204 of the Criminal Law Article; and
- a person may not deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy, personal or real property that is owned, leased, or used by a religious entity or for any religious purpose, including a place of worship, a religious school, or an educational facility – § 10-302 of the Criminal Law Article.

State Expenditures: General fund expenditures increase minimally as a result of the bill’s penalty provisions due to people being committed to State correctional facilities for longer periods of time. The number of people convicted and sentenced under the bill (which depends on charging and sentencing practices) is expected to be minimal. In general, individuals facing an incarceration penalty under the bill also face other serious charges that carry significant penalties under existing statute. Given the potential sentences for crimes of violence, this estimate assumes that any increase in expenditures resulting from the bill will begin in the out-years.

DPSCS advises that it does not have data on the number of incarcerated individuals in State correctional facilities who committed crimes of violence in an educational facility, medical facility, or a place of worship. However, DPSCS does note that, given the lengthy sentences generally imposed on individuals who commit crimes of violence, the bill’s impact on DPSCS is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per incarcerated individual, including overhead, is estimated at \$5,110 per month. Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or a State correctional

facility. The State provides assistance to the counties for locally sentenced incarcerated individuals and for (1) incarcerated individuals who are sentenced to and awaiting transfer to the State correctional system; (2) sentenced incarcerated individuals confined in a local detention center between 12 and 18 months; and (3) incarcerated individuals who have been sentenced to the custody of the State but are confined in or who receive reentry or other prerelease programming and services from a local facility.

The District Court advises that while it is impossible to project the bill's impact on the District Court's workload, it does not anticipate a significant fiscal or operational impact on the Judiciary.

The Office of the Public Defender (OPD) advises that while it does not anticipate a significant number of new cases, the bill may result in substantially more effort in existing cases, which would have a financial impact on OPD. OPD did not provide information on the scope of the additional effort involved or additional resources that may be needed. DLS advises that without actual experience under the bill, particularly information on the frequency with which defendants are charged under the bill, the financial impact of the bill on OPD cannot be reliably determined at this time. Regardless, the cases to which the bill applies already require an extensive amount of effort. Should OPD workloads under the bill increase to the point that additional resources are needed, OPD can request those resources through the annual budget process.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Cross File: HB 547 (Delegate Alston, *et al.*) - Judiciary.

Information Source(s): Baltimore and Frederick counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; University System of Maryland; Maryland Department of Health; Department of Public Safety and Correctional Services; Baltimore City Public Schools; Department of Legislative Services

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