

**Department of Fiscal Services**  
Maryland General Assembly

**FISCAL NOTE**

House Bill 960 (Delegate D. Davis)  
Judiciary

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**Crimes - Criminal Gang Activity - Penalties**

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This bill makes it a crime to participate in a gang that engages in criminal activity, to commit a criminal offense in association with a gang, or to recruit a minor into a gang. It provides criminal and civil penalties, including the seizure and forfeiture of certain property.

The disposition of any property forfeited under this bill must be reported to the State Police within 30 days.

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**Fiscal Summary**

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

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

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**Fiscal Analysis**

**Bill Summary:** The bill provides for the following criminal penalties:

- Imprisonment for up to three years for participating in a criminal gang;
- Consecutive imprisonment for up to three years for committing a felony in association with a criminal gang, or four years if within 1,000 feet of an open school;

- Imprisonment for up to six months for committing a misdemeanor in association with a criminal gang, or one year if within 1,000 feet of an open school;
- Imprisonment for up to three years for using physical violence to induce a minor to participate in a criminal gang; and
- Imprisonment for up to three years for threatening a minor more than once to induce the minor to join a criminal gang.

Firearms, weapons, and ammunition may be confiscated and subject to seizure and forfeiture if owned or possessed by a member of a criminal gang for the purpose of gang activity. Any building used for gang activity is considered a nuisance, and the owner of the building is subject to civil penalties.

**State Revenues:** General fund revenues could increase under the bill's property forfeiture provisions for property seized and forfeited to State law enforcement agencies, depending upon the property forfeited and its value.

**State Expenditures:** General fund expenditures could increase as a result of the bill's incarceration penalties due to more people being committed to a Division of Correction (DOC) facility and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed.

Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1997 the average monthly cost per inmate is estimated at \$1,400. For illustrative purposes, for those convicted of committing a felony in association with a criminal gang, the average time served could increase by approximately 18 months. Thus State costs could increase by \$25,200 for each person imprisoned under that provision.

Persons serving a sentence of one year or less are sentenced to a local detention facility. The State reimburses counties for part of their per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 1997 are estimated to range from \$10 to \$48 per inmate depending upon the jurisdiction. Persons sentenced in Baltimore City are incarcerated in the Baltimore City Detention Center (BCDC), a State operated facility. The BCDC per diem cost for fiscal 1997 is estimated at \$43 per inmate.

The provisions of this bill are likely to be violated by juveniles, possibly even more so than by adults. As a result, general fund expenditures could increase due to more juveniles being detained in Juvenile Justice facilities or on formal or informal juvenile probation. The average cost of juvenile detention is \$20,996 per case, and the average cost of juvenile probation is \$928 per case.

**Local Revenues:** Revenues could increase under the bill's property forfeiture provisions for property seized and forfeited to local law enforcement agencies, depending upon the property forfeited and its value.

**Local Expenditures:** Expenditures could increase as a result of the bill's incarceration penalties depending upon the number of convictions and sentences imposed. 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 \$19 to \$96 per inmate in fiscal 1997.

It is assumed the requirement that disposition of property forfeited under this bill be reported to the State Police can be handled with minimal or no additional expenditures.

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**Information Source(s):** Department of State Police; Department of Public Safety and Correctional Services (Division of Correction); Department of Juvenile Justice; Carroll, Harford, and Queen Anne's counties, Department of Fiscal Services

**Fiscal Note History:** First Reader - February 19, 1996

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Analysis by: Robert C. Bates  
Reviewed by: John Rixey

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 841-3710  
(301) 858-3710