

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 1041 (Delegate Doory, et al.) (Committee to Revise Article 27)
Judiciary

Crimes - Assault - District Court Offenses

This bill codifies the crime of assault that does not result in physical injury and gives the District Court exclusive original jurisdiction in criminal prosecutions of the offense. The bill provides that violators are subject to 90 days in jail, a \$500 fine, or both.

This bill is drafted with contingencies so that it will be effective regardless of enactment of the assault law revisions contained in HB 749/SB 618.

Fiscal Summary

State Effect: Indeterminate increase in general fund revenues; indeterminate decrease in Victims of Crime Fund revenue; and potential minimal decrease in general fund expenditures.

Local Effect: Indeterminate decrease in revenues and potential minimal effect on expenditures.

Fiscal Analysis

Background: Under current law this offense is not codified, so it would be prosecuted as common law assault and battery.

State Revenues: The District Court estimates this bill could produce an additional 5,900 District Court cases statewide. Transfer of cases from the circuit courts to the District Court means the fines go to the State general fund instead of to the counties.

In addition, State general funds could increase by \$59,000 due to court costs assessed to defendants in the District Court. The State receives \$10 more from District Court filing fees than from circuit court filing fees.

The Victims of Crime Fund could lose \$59,000 annually as it receives \$10 less from court costs assessed in District Court cases than it receives in circuit court cases.

State Expenditures: To the extent that people are sentenced to Division of Correction (DOC) facilities for violations of these offenses under current law, general fund expenditures could decrease. Due to the nature of the offense and the fact that even under the maximum sentences in existing law these people could be sentenced to local detention centers, it is unlikely that this would have any effect on DOC expenditures. Persons sentenced to the DOC with these offenses usually have other more serious charges as well.

To the extent that violators are sentenced to more than 90 days incarceration under existing law, general fund expenditures could be reduced. Persons serving a sentence of one year or less are sentenced to a local detention facility. The State reimburses counties for part of the per diem rate after a person has served 90 days. State per diem reimbursements are estimated to range from \$10 to \$48 per inmate, depending upon the jurisdiction. It is unlikely this bill will have any significant impact on reimbursement payments.

Enactment of this bill, by itself, would not sufficiently increase the caseload of the District Court such that additional resources would be necessary.

Local Revenue: Transfer of cases from the circuit courts to the District Court means the fines go to the State general fund instead of to the counties. Any such decrease cannot be reliably estimated at this time.

In addition, local governments could lose an indeterminate amount in appearance fees and court costs. In most jurisdictions attorneys are charged \$10 to represent a client, most of which goes to local law libraries. In addition, 95% of court costs assessed by the circuit courts go to the local jurisdictions. The maximum loss would be \$504,400 annually, assuming 5,900 defendants were represented by private counsel, convicted, and paid all court costs.

Local Expenditures: Local expenditures could be affected by the bill's reduced incarceration penalties depending upon the number of convictions and sentences imposed. Counties pay the full cost of incarceration for sentences up to and including 90 days. Per diem operating costs of local detention facilities are expected to range from \$19 to \$96 per inmate in fiscal 1997. To the extent that people sentenced to local detention centers under current law would receive shorter sentences under this bill, local expenditures could decrease. This decrease could be at least partially offset by more people being sentenced to local detention centers instead of to Division of Correction facilities. Any change in net expenditures is assumed to be minimal.

Information Source(s): Judiciary (District Court of Maryland), Department of Public Safety and Correctional Services (Division of Correction), Department of Fiscal Services

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