

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 385 (Senator Frosh, et al.)
Judicial Proceedings

Crimes - Demonstrating or Teaching the Use or Making of Destructive Devices

This bill prohibits a person from teaching or demonstrating to another person how to use or make destructive explosive devices, pipe bombs, Molotov cocktails, firearms or how to apply a skill or technique capable of causing injury or death to a human being, if there is reason to know that the skill being taught or demonstrated will be used in the commission of a civil disorder. The bill also prohibits people assembling for training, practicing, or learning how to use the destructive devices. Members of law enforcement, the armed forces, the organized militia or national guard are exempt from these provisions.

Violators of these offenses are guilty of a felony and subject to not more than 25 years imprisonment, a fine of not more than \$10,000, or both.

Fiscal Summary

State Effect: Potential increase in general fund expenditures due to the bill's penalty provisions. No effect on revenues.

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

Fiscal Analysis

State Expenditures: In 1995, one offender was sentenced to the Division of Correction (DOC) for unlawful manufacturing of explosives - a related crime - and four were placed on probation. As this bill is much broader in its prohibitions and penalties, and carries a significant incarceration penalty, it is possible that general fund expenditures could increase as a result of the bill's incarceration penalties due to more people being committed to a DOC facility for longer periods of time, 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.

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 per diem cost for fiscal 1997 is estimated at \$43 per inmate.

Local Revenues: Revenues could increase under the bill's monetary penalty provision for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalty 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.

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

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