

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 137 (Delegate M. Burns, et al.)
Judiciary

Crimes - Educators - Assault

This bill prohibits a person from knowingly assaulting an “educator” within the course and scope of the educator’s employment. Violators are guilty of a felony and subject to a fine of not more than \$25,000 or imprisonment for not more than 10 years, or both.

The bill also provides that the juvenile court does not have jurisdiction over children above the age of 16 charged with this crime.

Fiscal Summary

State Effect: Indeterminate, but potentially significant increase in general fund expenditures due to the bill’s penalty provisions. No effect on revenues.

Local Effect: Indeterminate, but potentially significant increase in revenues and expenditures due to the bill’s penalty provisions.

Fiscal Analysis

State Expenditures: General fund expenditures could increase as a result of the bill’s incarceration penalty due to more people being committed to a Division of Correction (DOC) facility for longer periods of time and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed. There is no data to determine how many additional commitments could result from this bill, although approximately 1,600 students were suspended for assaulting a teacher in fiscal 1995.

Persons serving a sentence longer than 12 months 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 12 months 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 \$11 to \$50 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 \$22 to \$108 per inmate in fiscal 1997.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Division of Correction), State Department of Education, Department of Fiscal Services

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