

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 607 (Delegate Montague, et al.)
Judiciary

Referred to Judicial Proceedings

Criminal Law - Burglary Offenses - Enhanced Penalties

This amended bill establishes mandatory minimum sentences for people sentenced to incarceration a second or subsequent time for committing first or second degree burglary. Offenders are subject to incarceration of up to 40 years, except if the later offense is second degree burglary with no intent to take a firearm, the maximum penalty is 30 years.

Fiscal Summary

State Effect: General fund expenditures could increase by an indeterminate but significant amount. Revenues would not be affected.

Local Effect: None.

Fiscal Analysis

Background: Current penalties for first or second degree burglary are as follows:

<u>Offense</u>	<u>Maximum penalty</u>
First degree burglary	20 years
Second degree burglary	15 years (non-firearm theft)

State Expenditures: General fund expenditures could increase as a result of the bill's incarceration penalty as more people may be committed to Division of Correction facilities for longer periods. Any increase would depend upon the number of convictions and sentences imposed.

In fiscal 1995 there were 423 people admitted to Division of Correction (DOC) facilities and 918 placed on probation whose most serious offense was burglary. It is unknown how many were first, second, or third degree or how many had served prior terms of incarceration for first or second degree burglary. On average, those who were incarcerated received sentences of approximately five years.

People serving a sentence longer than one year are incarcerated in a Division of Correction facility. In fiscal 1997 the average monthly cost per inmate is estimated at \$1,400. Under the bill's maximum incarceration penalty, a person convicted of first degree burglary for a second time is subject to a 40-year sentence. For illustrative purposes, assuming that person would have received a five year sentence with parole eligibility under existing law, the average time served would increase by an estimated 210 months. Thus State costs could increase by \$294,000 for each person imprisoned under this provision of the bill.

Information Source(s): Department of Public Safety and Correctional Services (Maryland Parole Commission), Department of Fiscal Services

Fiscal Note History: First Reader - February 20, 1996

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