

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 1178 (Delegate Busch)
Economic Matters

Home Improvement Law - Criminal Penalties - Standards of Proof

This bill alters the standard of proof relating to violations of home improvement laws by eliminating the requirement that a person must “knowingly and willfully” violate the provisions to be guilty. Applicable penalties remain the same.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to applicable penalty provisions.

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

Fiscal Analysis

State Revenues: General fund revenues could increase under applicable monetary penalty provisions for those cases heard in the District Court, depending upon the number of convictions and fines imposed.

State Expenditures: Assuming this provision would widen the pool of offenders, general fund expenditures could increase as a result of applicable 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.

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 applicable monetary penalty provisions for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed.

Local Expenditures: Expenditures could increase if the pool of offenders widens as a result of applicable 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.

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

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