

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 168 (Senator Bromwell)
Judicial Proceedings

Crimes and Punishments - Cemetery Desecration - Penalties

This bill increases the maximum fines and incarceration penalties for committing certain destructive acts in a cemetery. For willfully destroying, mutilating, defacing, injuring or removing any structure in a cemetery, the maximum fine will increase from not more than \$2,000 to not more than \$5,000. The maximum incarceration penalty will increase from not more than three years to not more than five years.

For willfully destroying, cutting, braking or removing any trees, plants, or shrubs in a cemetery, the maximum fine will increase from not more than \$500 to not more than \$1,000. The maximum incarceration penalty will increase from not more than two years to not more than three years.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's 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 the bill's monetary penalty provisions for those cases heard in the District Court, depending upon the number of convictions and fines imposed.

State Expenditures: General fund expenditures could increase as a result of the bill's incarceration penalties due to more people being committed to a Division of Correction (DOC) facility for longer periods of time, depending upon the number of convictions and sentences imposed.

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. There were no commitments for this offense in fiscal 1995. Unless there is a major change in sentencing patterns, expenditures relating to incarceration should not be materially affected.

Local Revenues: Revenues could increase under the bill's 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 as a result of the bill's 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 \$22 to \$108 per inmate in fiscal 1997. Unless there is a major change in sentencing patterns, it is assumed that this bill would not significantly impact local expenditures.

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

Fiscal Note History: First Reader - January 30, 1996

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