

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 1169 (Delegate Pitkin, et al.)

Judiciary

Referred to Judicial Proceedings

Manslaughter - Inadequate Provocation - Spousal Adultery

This amended bill provides that, on the issue of spousal adultery, a defendant's honest and reasonable belief of sexual intercourse, when no actual intercourse occurred, cannot constitute legally sufficient mitigating circumstances to reduce the crime of murder to voluntary manslaughter.

The bill is to be applied prospectively.

Fiscal Summary

State Effect: Potentially significant increase in general fund expenditures. General fund revenues would not be affected.

Local Effect: None.

Fiscal Analysis

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.

Current law has a maximum incarceration penalty of 10 years for the crime of manslaughter. Offenders eligible for parole are generally expected to be released after serving an average of 50% of their sentence. In fiscal 1995, there were 59 commitments to DOC for manslaughter with average sentence lengths of 118 months. Average time served would thus be approximately 59 months.

An honest, but erroneous belief of extramarital sexual intercourse is not sufficient

provocation for mitigating a killing of a spouse from the crime of murder to voluntary manslaughter. Persons convicted of killing a spouse under such circumstances would be subject to the maximum incarceration penalty for the crime of second degree murder of imprisonment for not more than 30 years. In fiscal 1995 there were 114 commitments to DOC for second degree murder with average sentence lengths of 295 months. These inmates would be expected to serve 148 months. The difference between this bill and the current law is 89 additional months of incarceration.

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. Assuming an average of 89 additional months of incarceration, State costs could increase by \$124,600 for each person imprisoned under the bill. Any increase to State expenditures however, would not take effect until fiscal 2002 as the increase in length of imprisonment would not be realized before then.

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

Fiscal Note History: First Reader - March 4, 1996

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