

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 1251 (Delegates Genn and E. Burns)
Judiciary

Referred to Judicial Proceedings

Crimes - Reckless Endangerment - Limitation of Exceptions

This amended bill alters current law exemptions to the crime of reckless endangerment. Specifically, the bill limits the exemption for law enforcement officers or security guards acting in the performance of their official duties, or individuals acting in defense of a crime of violence, to cases involving the discharge of a firearm from a motor vehicle. Current law provides these individuals with an exemption for all types of conduct that constitute reckless endangerment.

Violators are subject to the applicable penalties for reckless endangerment (fine of not more than \$5,000 and/or imprisonment for not more than five years).

Fiscal Summary

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

Local Effect: Potential minimal increase in revenues and expenditures due to applicable penalty provisions.

Small Business Effect: None. The bill would not directly affect small businesses.

Fiscal Analysis

State Revenues: General fund revenues could increase under the applicable 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 applicable

incarceration penalty due to more people being committed to a Division of Correction (DOC) facility, depending upon the number of convictions and sentences imposed. Fiscal Services has no data with which to determine how many additional prosecutions and commitments could result from this bill.

Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1998 the average monthly cost per inmate is estimated at \$1,500.

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 1998 are estimated to range from \$12 to \$42 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility, with an average monthly cost estimated at \$1,500 for fiscal 1998. [The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1998 is estimated at \$43 per inmate.]

Local Revenues: Revenues could increase under the 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 as a result of the applicable 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 \$23 to \$83 per inmate in fiscal 1998.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction, Pretrial Detention and Services); Judiciary (District Court of Maryland); Maryland Department of State Police; Department of Fiscal Services

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