

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 754 (Delegate Pitkin, *et al.*)

Judiciary

Referred to Judicial Proceedings

Manslaughter - Inadequate Provocation - Spousal Adultery

This amended bill provides that the discovery of a spouse engaged in sexual intercourse with another person does not constitute legally sufficient mitigating circumstances to reduce the crime of murder to voluntary manslaughter if the killing was provoked by the discovery.

The bill is to be applied prospectively.

Fiscal Summary

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

Local Effect: None.

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

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 ten 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 1996, there were 55 commitments to DOC for manslaughter with average sentence lengths of 98 months. The average time served would thus be approximately 49 months.

Without the legally adequate provocation for mitigating a killing of a spouse from the crime of murder to voluntary manslaughter, persons convicted of killing a spouse 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 1996 there were 124 commitments to DOC for second degree murder with average sentence lengths of 284 months. These inmates would be expected to serve 142 months. The difference between this bill and the current law is 93 additional months of incarceration.

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. Assuming an average of 93 additional months of incarceration, State costs could increase by \$139,500 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), Department of Fiscal Services

Fiscal Note History: First Reader - March 7, 1997
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