

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 854 (Delegate B. Hughes, *et al.*)
Judiciary

Crimes of Violence - Pretrial Detention

This bill prohibits a District Court Commissioner from authorizing the pretrial release of a defendant charged with a crime of violence if the defendant has previously been convicted of a crime of violence. Current law prohibits such releases if the defendant is on parole, probation, or mandatory supervision for an earlier crime of violence.

The bill requires a judge to order the detention of a defendant with such a prior conviction if, after a proper hearing, the judge finds that neither bail nor any condition(s) will reasonably assure that the defendant will not flee or pose a danger to others or the community.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures. Revenues would not be affected.

Local Effect: Potential minimal increase in expenditures. Revenues would not be affected.

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

Fiscal Analysis

State Expenditures: General fund expenditures could increase if detainees are held for longer periods of time in the Baltimore City Detention Center (BCDC), where persons arrested in Baltimore City are held pending a decision on pretrial release. The BCDC per diem cost for fiscal 1998 is estimated at \$43 per inmate.

Pretrial Release Services in the Department of Public Safety and Correctional Services advises that detainees for such crimes, with or without prior convictions, are not now

typically released pretrial by District Court Commissioners. Accordingly, any increase in detention costs resulting from this bill is expected to be minimal.

Local Expenditures: Expenditures could increase if detainees are held for longer periods of time in county detention centers, where persons arrested in the counties are held pending a decision on pretrial release. Per diem operating costs of local detention facilities are expected to range from \$23 to \$83. Any increase is expected to be minimal for the same reason cited above.

Information Source(s): Judiciary (District Court); Department of Public Safety and Correctional Services (Division of Correction, Parole Commission, and Pretrial Release Services Program); Department of Fiscal Services

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