

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 585 (Delegate Poole, *et al.*)
Judiciary

Domestic Violence - First Degree Murder - Civil Protective Orders

This bill provides that it is first degree murder if a person subject to a civil protective order in a domestic violence case murders the person who has been granted relief by that order. The bill also adds such a murder to the current list of aggravating circumstances that a court or jury must consider in determining whether to impose the death penalty.

Fiscal Summary

State Effect: Potential indeterminate increase and decrease in general fund expenditures as discussed below. Revenues would not be affected.

Local Effect: Potential indeterminate expenditure increase as discussed below. Revenues would not be affected.

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

Fiscal Analysis

State Effect: There are several inherent difficulties in determining the effect of a particular aggravating circumstance. For instance, there is the potential overlap with other aggravating circumstances. In addition, prosecutors exercise discretion and have latitude in bringing such cases. There are also contrasts and dissimilarities as to how different courts and/or juries will view the same presentation of facts with particular sets of circumstances.

The Division of Correction reports that 82 offenders were convicted of first degree murder in fiscal 1996. Four were sentenced to death. The division does not currently know how many of the 82 offenders were persons who would fall under the provisions of this bill. It is assumed that the number would be small. However, to the extent that this bill actually

increases the number of death penalties imposed, the State would realize an indeterminate savings in incarceration costs over time.

The extent to which this additional aggravating circumstance would increase death penalty litigation is unclear. Accordingly, while it is conceivable that this bill could increase the workload and expenditures of the judicial system, including the Office of the Public Defender, any such increase cannot be reliably projected or quantified. In any event, the cost for the Public Defender to defend any additional death penalty cases arising from this bill is estimated to be \$50,000 per case.

Local Effect: The creation of any additional aggravating circumstance could conceivably increase costs for State's Attorneys, but only to the extent that the new provision actually realizes additional death penalty activity by a particular State's Attorney. It is assumed the number of such instances would be small.

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

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