

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 708 (Delegates Genn and Doory)
(Committee to Revise Article 27)

Judiciary

Referred to Judicial Proceedings

Crimes - Explosives and Destructive Devices - Revision

This enrolled bill revises and restates existing law concerning explosives and destructive devices. It also prohibits the manufacture, transport, possession, control, storage, sale, distribution, or use of a destructive device except by authorized personnel. Further, the bill prohibits the possession of explosive, incendiary, or toxic materials with intent to create a destructive device. Upon conviction, violators of these provisions are guilty of a felony and subject to a fine of not more than \$250,000, imprisonment for not more than 25 years, or both.

The bill changes from misdemeanors to felonies, the crimes of making a false statement or rumor as to the location of possible detonation of a destructive device and manufacturing, possessing, transporting, or placing a device that is constructed to represent a destructive device. Violators may be ordered by the court to pay restitution to the individuals or agencies affected by the crime, and are subject to a fine of not more than \$10,000, imprisonment for not more than ten years, or both.

The bill also makes stylistic, conforming, and substantive changes to provisions regarding explosives and destructive devices.

Fiscal Summary

State Effect: Potential significant increase in general fund expenditures due to the bill's penalty provisions. Indeterminate minimal decrease in general fund revenues.

Local Effect: Potential significant increase in revenues due to the bill's penalty provisions. Potential indeterminate decrease in expenditures due to the bill's penalty provisions.

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

Fiscal Analysis

State Revenues: Since felonies are generally not heard in the District Court, general fund revenues could decrease as a result of the bill's fines being collected in the circuit courts. The revenue decrease is assumed to be minimal.

State Expenditures: General fund expenditures could increase as a result of the bill's incarceration penalty 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 20 years and a fine of \$10,000, or both, for the felony crime of unlawful manufacturing of explosives. This bill eliminates the distinction between misdemeanor and felony unlawful manufacturing of explosives.

Under current law, the maximum fine for making a false statement or rumor as to a destructive device is \$10,000 and for manufacturing, possessing, transporting, or placing a device constructed to represent a destructive device is \$1,000. The maximum incarceration penalty for both crimes is one year.

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. For illustrative purposes, under the bill's maximum incarceration penalty the average time served would increase from 120 to 150 months, assuming that parole is granted after 50% of the sentence is served. Thus, State costs could increase by \$45,000 for each person imprisoned under the bill beginning in fiscal 2008.

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 in Baltimore City are incarcerated in the Baltimore City Detention Center (BCDC), a State operated facility. The per diem cost for fiscal 1998 is estimated at \$43 per inmate.

Local Revenues: Revenues could increase under the bill's increased monetary penalty provision for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed.

Local Expenditures: Assuming a change in sentencing patterns for explosives and destructive device crimes to include significant terms of imprisonment, expenditures could

decrease as a result of the bill's incarceration penalties. 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 Fiscal Services

Fiscal Note History: First Reader - February 13, 1997
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Analysis by: Lori Caldwell-Valentine
Reviewed by: John Rixey

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 841-3710
(301) 858-3710