

Department of Legislative Services  
Maryland General Assembly

**FISCAL NOTE**  
**Revised**

Senate Bill 43 (Senator Haines)

Judicial Proceedings

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**Family Law - Domestic Violence - Penalties**

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This bill alters the penalties for violation of a domestic violence order. Under current law, the maximum penalty for violation of a domestic violence order is a fine of \$500 or imprisonment for 90 days, or both. The maximum fine is increased to \$1,000 for a first offense. For a second or subsequent offense, the maximum penalty is increased to a fine of \$2,500 or imprisonment for one year, or both.

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**Fiscal Summary**

**State Effect:** Potential indeterminate increase in general fund revenues and expenditures due to the bill's alteration of the penalty provisions.

**Local Effect:** Potential indeterminate increase in expenditures due to the bill's alteration of the incarceration penalty. Revenues would not be affected.

**Small Business Effect:** None.

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**Fiscal Analysis**

**State Revenues:** General fund revenues could increase under the bill's alteration of the monetary penalty provisions, depending upon the number of convictions and fines imposed.

**State Expenditures:** General fund expenditures could increase as a result of the bill's alteration of the incarceration penalty due to increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed. Information is not readily available on the number of persons who have been convicted under the current penalty provision.

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 1999 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 1999.

Currently, the State pays no per diem reimbursements to local governments in connection with this offense because the maximum incarceration penalty is 90 days.

**Local Expenditures:** Expenditures could increase as a result of the bill's alteration of the 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 1999.

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**Information Source(s):** Department of Public Safety and Correctional Services  
(Division of Correction), Department of Legislative Services

**Fiscal Note History:** First Reader - January 20, 1998  
ncs Revised - Senate Third Reader - March 19, 1998  
Revised - Enrolled Bill - April 13, 1998

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Analysis by: Claire E. Rooney

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710