

Department of Legislative Services  
Maryland General Assembly

**FISCAL NOTE**

House Bill 545 (Delegate Poole. *et al.*)

Judiciary

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**Crimes - First Degree Murder - Domestic Violence**

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This bill provides that it is first degree murder if a person subject to a temporary ex parte order or current protective order in a domestic violence case murders the person who has been granted relief by that order.

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**Fiscal Summary**

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

**Local Effect:** Potential indeterminate expenditure increase. Revenues would not be affected.

**Small Business Effect:** None.

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**Fiscal Analysis**

**State Expenditures:** This bill would increase the number of offenders who could be charged with, and convicted of, first degree murder. Accordingly, general fund expenditures could increase as a result of the bill's application of increased incarceration penalties due to people being committed to a Division of Correction (DOC) facility for longer periods of time.

Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1999 the average monthly cost per inmate is estimated at \$1,500. For illustrative purposes, under the maximum incarceration penalty for first degree murder of life without parole the average time served would be 540 months, rather than 180 months as the average time served for second degree murder. Thus State costs could increase by \$540,000 for each person

imprisoned under the bill.

The following table shows the DOC intake of convictions for first degree murder in fiscal 1997:

<b>Current Data: First Degree Murder</b>		
<b>Offense (1997 Intake)</b>	<b>Sentence</b>	<b>Expected Length of Stay</b>
First Degree Murder (63 cases)	life	360 mos
First Degree Murder (16 cases)	life w/o parole	540 mos
First Degree Murder (27 cases) (portion suspended)	300 mos (average)	132 mos w/parole <u>204 mos w/MR*</u> 168 mos average

\* MR - mandatory release

Persons charged with first degree murder are also subject to the possibility of the death penalty. However, a particular aggravating circumstance must exist for the imposition of this penalty. While it is possible that one of the current 10 aggravating circumstances could apply to murder in this domestic violence context, the bill does not create an additional aggravating circumstance of such murders. Accordingly, it is assumed that this crime will not generally be treated as a death penalty offense.

To the extent to which this bill could increase death penalty litigation, the workload and expenditures of the judicial system, including the Office of the Public Defender, could increase. 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:** This bill could increase the workload and 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.

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

**Fiscal Note History:** First Reader - February 22, 1998

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