

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 876 (Delegate Hecht. *et al.*)

Judiciary

Crimes - Unlawful Contact on Prison Employees by Inmates

This bill makes it a misdemeanor for an inmate to maliciously cause or attempt to cause employees of the Division of Correction (DOC) or other State or local incarceration units to come into contact with blood, seminal fluid, urine, or feces. The list of employees referenced under this provision relating to assaults by inmates is expanded to include employees of a sheriff's office.

Violators are subject to maximum penalties of a fine of \$1,000 and/or imprisonment of 10 years. Sentences must run consecutively to any sentence being served at the time of the offense and may not be suspended.

Fiscal Summary

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

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Fiscal Analysis

State Revenues: General fund revenues could increase under the bill's monetary penalty provision for those cases heard in the District Court, depending upon the number of convictions and fines imposed. While the number of violations of this provision cannot be reliably estimated at this time, they are assumed to be few. Accordingly, any increase in revenues from fines is anticipated to be minimal.

State Expenditures: General fund expenditures could increase as a result of the bill's incarceration penalty due to people being committed to a DOC facility for longer periods of time and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed.

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.

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. [The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1999 is estimated at \$43 per inmate.]

While the number of violations of this provision cannot be reliably estimated at this time, they are assumed to be few. Accordingly, any increase in expenditures is anticipated to be minimal.

Local Revenues: Revenues could increase under the bill's monetary penalty provisions for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed. While the number of violations of this provision cannot be reliably estimated at this time, they are assumed to be few. Accordingly, any increase in revenues from fines is anticipated to be minimal.

Local Expenditures: Expenditures could increase as a result of the bill's 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 \$84 per inmate in fiscal 1999. To the extent that persons

convicted under the bill's provisions would lose eligibility for alternative programs such as community service, home detention, or work release, local expenditures could increase by an indeterminate amount.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction); Baltimore City; Howard and Prince George's counties; Department of Legislative Services

Fiscal Note History: First Reader - March 16, 1998
lc Revised - House Third Reader - March 26, 1998

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