

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 467 (Senator Frosh. *et al.*)

Economic and Environmental Affairs

Environmental Laws - Violations and Enforcement

This bill increases the maximum penalties for knowingly violating provisions of law dealing with water pollution control, drinking water, and tidal and nontidal wetlands. Under the bill, such violations are upgraded from a misdemeanor to a felony. The bill also provides that attempts to commit conduct that constitutes a violation of these provisions of law are subject to the same penalties as those for the actual offense.

Fiscal Summary

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

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

Small Business Effect: Potential meaningful.

Fiscal Analysis

State Revenues: In general felony cases are heard in the circuit courts. To the extent the penalty increases result in a shift of cases from the District Court to the circuit court, general fund revenues could decline.

State Expenditures: General fund expenditures could increase as a result of the bill's incarceration penalties due to more people being committed to a Division of Correction (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. However, as a point of reference, the Division of Correction advises that over the past four years, no person has been incarcerated or placed on probation for the offenses referenced in the bill.

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.]

Local Revenues: Revenues could increase under the bill's monetary penalty provisions, depending upon the number of convictions and fines imposed. Legislative Services has no information on which to base an estimate of any such increase.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalties 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. Potential indeterminate increase in local government expenditures due to the bill's increased monetary provisions.

Small Business Effect: Small businesses that are subject to the monetary penalty provisions of the bill could be impacted disproportionately more than large businesses. However, at this time it cannot be reliably estimated how many small businesses could be subject to the increased monetary penalties. Therefore, it is difficult to predict the true impact of the bill on small businesses.

Information Source(s): Maryland Department of the Environment; Department of Public Safety and Correctional Services (Division of Correction); Department of Legislative Services

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