

Department of Legislative Services  
Maryland General Assembly

FISCAL NOTE  
Revised

House Bill 339 (Delegate O'Donnell. *et al.*)  
Judiciary

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Family Law - Domestic Violence - Penalties

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This amended bill increases the penalties for violation of a domestic violence order. For a first offense, the maximum fine is increased from \$500 to \$1,000. For a second or subsequent offense, the maximum fine is increased to \$2,500, and the maximum term of imprisonment is increased from 90 days to one year.

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Fiscal Summary

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

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

**Small Business Effect:** None.

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Fiscal Analysis

**Background:** Currently, violation of a domestic violence order is an offense over which the District Court has exclusive original jurisdiction. This bill would render the offense one over which the District Court has concurrent jurisdiction with circuit court, for second or subsequent offenses.

**State Revenues:** General fund revenues could increase or decrease under the bill's alteration of the monetary penalty provision, depending upon the number of convictions and fines imposed, and the number of cases heard in District Court as opposed to circuit court.

**State Expenditures:** General fund expenditures could increase as a result of the bill's

alteration of the incarceration penalty for second or subsequent offenses due to the imposition of longer sentences to be served at Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed.

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. Information is not readily available on the number of persons who have been convicted under the current penalty provision.

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

**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

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