

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 1209 (Delegate Bonsack. *et al.*)

Judiciary

Assisted Suicide - Prohibition

This bill provides that any person who assists another person's suicide or suicide attempt is guilty of a felony, and subject to a fine not exceeding \$10,000, or imprisonment not exceeding three years, or both. A person with standing may petition for injunctive relief against a person who is reasonably believed to be intending to assist in a suicide. A person with standing may also maintain a cause of action for compensatory and punitive damages against a person who assists in a suicide or attempts to do so. The licensing board that issued a license to a licensed health care professional who assists in a suicide may revoke or suspend the license of that person.

Fiscal Summary

State Effect: Potential increase in general fund expenditures due to the bill's penalty provisions. No effect on revenues.

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

Small Business Effect: None.

Fiscal Analysis

State Expenditures: General fund expenditures could increase as a result of the bill's incarceration penalty due to more people being committed to a Division of Correction (DOC) facility 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.

Local Revenues: All criminal cases, and most civil cases, brought pursuant to this bill would come within the circuit court's jurisdiction. Circuit court revenues could increase under the bill's monetary penalty provision, depending upon the number of convictions and fines imposed.

Local Expenditures: It is expected that any increase in the Judiciary's criminal and/or civil caseload resulting from this bill could be handled with existing resources.

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 \$83 per inmate in fiscal 1999.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

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Inc

Analysis by: Claire E. Rooney

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710