

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 179 (Senator Green)

Judicial Proceedings

Weapons - Disarming a Law Enforcement Officer - Penalty

This bill alters current law provisions relating to disarming or attempting to disarm specified law enforcement personnel acting within the scope of their employment. The bill: (1) adds chemical spray and batons as articles that may not be removed from such an employee; (2) increases, from 10 to 20 years, the maximum incarceration penalty for the offense; (3) eliminates the option of concurrent sentencing for this offense; and (4) allows a sentence for this offense to be imposed separate from and consecutive to any “related” offense, rather than an offense based on a certain act or acts establishing the offense. The current law maximum monetary fine for this offense remains at \$10,000.

Fiscal Summary

State Effect: Potential indeterminate increase in general fund expenditures due to the bill’s increased incarceration penalty provision. Revenues would not be affected.

Local Effect: Potential indeterminate increase in revenues due to application of the current law monetary penalty provision to the expanded scope of the offense.

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 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 bill's increased maximum incarceration penalty the average time served would be 120 months rather than 60. Thus State costs could increase by \$90,000 for each person imprisoned under the bill.

Local Revenues: Revenues could increase due to application of the current law monetary penalty provision to the expanded scope of the offense, since these cases would almost certainly be heard in the circuit courts. The amount of any such increase would depend upon the number of convictions and fines imposed.

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

Fiscal Note History: First Reader - February 16, 1998

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