

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 429 (Senator Green. *et al.*)

Judicial Proceedings

Crimes - Malicious Destruction of Property

This bill alters and expands penalty provisions applicable to the criminal misdemeanor of malicious destruction of property.

Fiscal Summary

State Effect: Potential indeterminate decrease in general fund revenues and increase in general fund expenditures due to the bill's authorization to aggregate valuation of damage from separate offenses for purposes of applying current law penalty provisions.

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

Small Business Effect: None.

Fiscal Analysis

Bill Summary: This bill provides, with specified exceptions, that two or more acts of malicious destruction of property pursuant to one scheme or continuing course of conduct may be considered one offense and that the value of the damage to the various properties may be aggregated in determining the application of penalty provisions. Under current law, if the amount of damage is less than \$300, violators are subject to maximum penalties of a fine of \$500 and/or imprisonment of 60 days. If the amount of damage is \$300 or more, violators are subject to maximum penalties of a fine of \$2,500 and/or imprisonment of three years.

The bill also provides that the value of damage is not a substantive element of a malicious destruction offense and need not be included in the charging document. A determination of valuation must be based on the evidence and applied for the purpose of imposing penalties.

If the determination cannot be made as to whether the damage is more or less than \$300, the value must be determined to be less than \$300.

State Revenues: Since this bill increases the likelihood of damages being assessed at \$300 or more, general fund revenues could increase under the bill's monetary penalty provisions for those cases heard in the District Court, depending upon the number of convictions and fines imposed. However, general fund revenues would more likely decrease since the application of the greater penalty provisions would cause these cases to be shifted to the circuit courts.

State Expenditures: General fund expenditures could increase as a result of the bill's changes relating to the application of incarceration penalties 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: Since this bill increases the likelihood of damages being assessed at \$300 or more, 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.

Local Expenditures: Expenditures could increase as a result of the bill's changes relating to the application of 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 \$83 per inmate in fiscal 1999.

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

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