

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 439 (Senator Stone. *et al.*)
(Committee to Revise Article 27)

Judicial Proceedings

Crimes - Offensive Conduct

This bill creates and defines the crime of “offensive conduct”. Violators are guilty of a misdemeanor and subject to maximum penalties of a fine of \$500 and/or imprisonment for 90 days. The bill specifies that a result of physical injury is not a defense to such a charge, and that an offense may be tried on a statement of charges, citation, or criminal information. With specified exceptions, offensive conduct may not be tried in a circuit court. Unless a violation of this provision is specifically charged, offensive conduct may not be treated as a lesser included offense of any greater offense defined in Article 27 or at common law.

In addition, the bill provides the circumstances under which a spouse can be compelled to testify as an adverse witness when there is a charge of offensive conduct, and under which a prior charge of offensive conduct may allow such testimony when other specified charges have been made.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill’s monetary penalty provision. The extent to which expanding the exception to the prohibition against a spouse’s adverse testimony could affect cases involving more serious offenses cannot be reliably predicted.

Local Effect: Potential minimal increase in expenditures due to the bill’s incarceration penalty provision.

Small Business Effect: None.

Fiscal Analysis

State Revenues: General fund revenues could increase under the bill’s monetary penalty

provision since these cases will be almost certainly heard in the District Court. The magnitude of any such increase will depend upon the number of convictions and fines imposed.

Local Expenditures: 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 the first 90 days of the sentence. Per diem operating costs of local detention facilities are expected to range from \$23 to \$83 per inmate in fiscal 1999. It is assumed that enforcement can be handled with the existing resources of local law enforcement.

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

Fiscal Note History: First Reader - February 18, 1998
Inc

Analysis by: Guy G. Cherry
Reviewed by: John Rixey

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 841-3710
(301) 858-3710