

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

Senate Bill 561 (Senators Hogan and Ferguson)

Judicial Proceedings

Bad Checks - Payment for Previous Property or Services

This bill prohibits a person from uttering a bad check for property or services to be provided or previously provided to the person, under the specified circumstances.

Under current law: (1) uttering a bad check for property or services valued at less than \$300 is a misdemeanor, with maximum penalties of a fine of \$100 and/or imprisonment for 18 months; (2) uttering a bad check for property or services valued at \$300 or more is a felony, with maximum penalties of a fine of \$1,000 and/or imprisonment for 15 years; and (3) uttering more than one bad check to the same person within a 30-day period when each check issued is for less than \$300, but the cumulative value of the property or services is \$300 or more, is a felony, with maximum penalties of a fine of \$1,000 and/or imprisonment for 15 years. In addition, a court may order restoration of property, restitution, or a fee in payment for the bad check.

Fiscal Summary

State Effect: Potential minimal general fund revenue and expenditure increases due to applicable penalty provisions.

Local Effect: Potential minimal revenue and expenditure increases due to applicable penalty provisions.

Small Business Effect: Minimal.

Fiscal Analysis

State Revenues: General fund revenues could increase minimally as a result of the applicable monetary penalty provisions from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the

applicable incarceration penalties due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal. In 1998, DOC received 55 inmates whose most serious offense was uttering bad checks, and their average sentence was 23 months.

Persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,600 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$275 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2000 are estimated to range from \$8 to \$48 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues could increase minimally as a result of the applicable monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the applicable incarceration penalties. 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 \$15 to \$80 per inmate in fiscal 2000.

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

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lnc/jr

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