

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

House Bill 232 (Delegate Hecht. *et al.*)

Judiciary

Crimes - Unlawful Contact on Prison Employees by Inmates

This bill makes it a misdemeanor for an inmate to maliciously cause or attempt to cause employees of the Division of Correction (DOC) or other State or local incarceration units to come into contact with seminal fluid, urine, or feces, or with blood provided that the contact with the blood is not the result of physical body contact between the inmate and the employee. The list of employees referenced under this provision relating to assaults by inmates is expanded to include employees of a sheriff's office.

Violators are subject to maximum penalties of a fine of \$2,500 and/or imprisonment of ten years. Sentences must run consecutively to any sentence being served at the time of the offense and may not be suspended.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

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

Small Business Effect: None.

Fiscal Analysis

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court. The number of people convicted of this proposed crime is expected to be minimal.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to people being committed to Division of Correction (DOC) facilities for longer periods of time and increased payments to counties for reimbursement of inmate costs.

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 bill's monetary penalty provision from cases heard in the circuit courts. The number of people convicted of this proposed crime is expected to be minimal.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalty. 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. To the extent that persons convicted under the bill's provisions would lose eligibility for alternative programs such as community service, home detention, or work release, local expenditures could increase by an indeterminate amount.

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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