

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

Senate Bill 2 (Senator Green)

Judicial Proceedings

Weapons - Disarming Law Enforcement or Correctional Personnel - 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 minimal increase in general fund expenditures due to the bill's increased incarceration penalty provision. Revenues would not be affected.

Local Effect: Potential minimal 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 minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction (DOC) facilities for longer periods of time. The number of people convicted of this proposed crime is expected to be minimal.

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. For illustrative purposes, under the bill's maximum incarceration penalty the average time served would be 120 months rather than 60 months. Assuming the variable inmate costs of \$275 per month, State costs could increase by \$16,500 for each person imprisoned under the bill.

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 current law monetary penalty provision being applied to the expanded scope of the offense.

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

Fiscal Note History: First Reader - March 11, 1999

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