

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 393 (Delegate Zirkin. *et al.*)

Judiciary

Domestic Abuse Murder

This bill provides that a person is guilty of first degree murder if: (1) the victim of the murder is eligible for domestic violence relief; (2) the murder occurs during abuse of the victim; and (3) the person has a past pattern of abusing the victim or the murder incident shows extreme indifference to human life. The bill subjects violators to a sentence of life imprisonment without the possibility of parole, but prohibits imposition of the death penalty or imprisonment for life.

Fiscal Summary

State Effect: Potential indeterminate increase in general fund expenditures. Revenues would not be affected.

Local Effect: Potential indeterminate expenditure increase. Revenues would not be affected.

Small Business Effect: None.

Fiscal Analysis

State Expenditures: This bill would increase the number of offenders who could be charged with, and convicted of, first degree murder. Accordingly, general fund expenditures could increase as a result of the bill's application of increased incarceration penalties due to people being committed to a Division of Correction (DOC) facility for longer periods of time.

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 540 months. Assuming the variable inmate costs of \$275 per month, State costs could increase by \$99,000 for each person imprisoned under the bill at some point in the future.

In fiscal 1998, 72 persons committed murder against a domestically related victim in Maryland. It is unknown how many of these crimes involve the elements for first degree murder as provided by this bill, and would require a sentence of life without parole. In any event, DOC received 120 persons convicted of first degree murder in fiscal 1998. The following table shows this DOC intake by sentence meted out:

| Current Data: First Degree Murder | | |
|---|----------------------|---|
| Offense (1998 Intake) | Sentence | Expected Length of Stay |
| First Degree Murder (67 cases) | life | 360 mos |
| First Degree Murder (16 cases) | life w/o parole | 540 mos |
| First Degree Murder (37 cases) (portion suspended) | 300 mos (average) | 132 mos w/parole <u>204 mos w/MR*</u> 168 mos average |

* MR =mandatory release

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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