

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

Senate Bill 745 (Senators Van Hollen and Harris)

Judicial Proceedings

Crimes - Crimes of Violence - Enhanced Penalty

This bill allows a 50% increase in the maximum penalty for persons convicted of a crime of violence if the judge determines that the circumstances warrant the increase. The bill allows a judge, in making such a determination, to consider all circumstances, including whether the victim was particularly vulnerable because of age, disability, or any other factor. If the State intends to seek such an enhanced penalty, the bill requires the defendant to be notified of that intent at least 30 days before trial. These provisions may only be construed and applied prospectively from October 1, 1999.

Under current law, crimes of violence are defined to include a variety of offenses. The maximum current law sentence for a crime of violence is at least 8 years (abduction) and is more typically 20 years.

Fiscal Summary

State Effect: Indeterminate increase in general fund expenditures due to the bill's authorization for enhanced incarceration penalties. Revenues would not be affected.

Local Effect: None. While the bill's notification requirement may provide some logistical difficulties for State's Attorneys, it is assumed that such a requirement could be handled with existing budgeted resources.

Small Business Effect: None.

Fiscal Analysis

State Expenditures: General fund expenditures could increase as a result of the bill's authorization for enhanced incarceration penalties due to people being committed to Division of Correction (DOC) facilities for longer periods of time. However, without any direct experience under the bill's provisions, it is difficult to predict how often: (1) a State's Attorney might successfully seek the enhanced sentence; or (2) a judge may determine this enhancement is warranted and add to the maximum sentence of a convicted offender.

In recent years DOC's intake of persons convicted of a crime of violence has been between 2,000 and 2,400 persons. If a significant number of that intake were subject to this bill's enhanced penalty provision, this bill could increase the average daily population in DOC facilities to the extent that additional beds, personnel, infrastructure improvements, or a new prison facility will be necessary. The cost of building a new medium security 1,300 bed prison facility is currently estimated at \$112 million.

On the other hand, if this sentencing enhancement were invoked infrequently, and prosecution and sentencing practices remained generally unchanged, this bill would only minimally increase general fund expenditures for incarcerations.

In any event, 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. The average variable cost of housing a new inmate (food, medical costs, etc.), excluding overhead, is \$275 per month.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction, Division of Research and Statistics, Maryland Parole Commission), Department of Legislative Services

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