

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 956 (Delegate D'Amato. *et al.*)

Judiciary

Crimes - Assault on Law Enforcement Officer

This bill prohibits a person from intentionally assaulting: (1) a law enforcement officer; (2) an officer serving in a probationary status; (3) a parole and probation officer; or (4) an out-of-state law enforcement officer. The prohibition applies only when the person committing the assault knows or has reason to know that the person being assaulted is performing official duties. Violators are guilty of the felony of first degree assault, and subject to a maximum imprisonment of 25 years and a mandatory minimum sentence of 1 year.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's incarceration penalty provisions. Revenues would not be affected.

Local Effect: Potential minimal increase in expenditures due to the bill's incarceration penalty provisions. Revenues would not be affected.

Small Business Effect: None.

Fiscal Analysis

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty provisions due to more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal. The mandatory minimum sentence provided under this bill would preclude probation for persons convicted of this crime. In fiscal 1998, four persons received probation for assaulting a police officer.

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.

A person sentenced under this bill to exactly one year, in any jurisdiction other than Baltimore City, would serve that sentence at a local detention facility. 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 Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalty in only those instances when an offender is sentenced to exactly one year. 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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