

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

Senate Bill 366 (Senator Frosh. *et al.*)

Judicial Proceedings

Environmental Laws - Violations and Enforcement

This bill increases the maximum penalties for knowingly violating provisions of law dealing with water pollution control, drinking water, and tidal and nontidal wetlands. Under the bill, such violations are upgraded from a misdemeanor to a felony. The bill also provides that attempts to commit conduct that constitutes a violation of these provisions of law are subject to the same penalties as those for the actual offense.

Fiscal Summary

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

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

Small Business Effect: Potential meaningful.

Fiscal Analysis

State Revenues: In general felony cases are heard in the circuit courts. To the extent the penalty increases result in a shift of cases from the District Court to the circuit courts, general fund revenues could decline.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalties due to more people being committed to Division of Correction

(DOC) facilities for longer periods of time and increased payments to counties for reimbursement of inmate costs. The number of people convicted of these proposed crimes is expected to be minimal. The Division of Correction advises that between 1995 and 1998 no person was incarcerated or placed on probation for the offenses referenced in the bill.

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 provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalties. 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.

Small Business Effect: Small businesses that are subject to the monetary penalty provisions of the bill could be impacted disproportionately more than large businesses. However, at this time it cannot be reliably estimated how many small businesses could be subject to the increased monetary penalties. Therefore, it is difficult to predict the true impact of the bill on small businesses.

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

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