

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

House Bill 907 (Delegate Barklev, *et al.*)
(Montgomery County Administration)

Judiciary

School Safety Act of 1999

This bill expands the list of crimes for which a police officer may make a warrantless arrest and expands the list of crimes that must be reported to local school superintendents. The bill also expands prohibitions against molestation and threats of bodily harm on school property.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the expanded applicability of penalty provisions.

Local Effect: Potential minimal increase in general fund revenues and expenditures due to the expanded applicability of penalty provisions.

Small Business Effect: None.

Fiscal Analysis

Bill Summary: This bill includes specified crimes relating to carrying or possessing a deadly weapon on school property to those for which a police officer may make a warrantless arrest. The bill expands, as specified, the list of crimes that, if committed by a student, must be reported by the arresting law enforcement agency to the superintendent of the appropriate public school system. This change also expands the list of offenses for which a State's Attorney must provide disposition notification to the superintendent.

The bill extends a current law prohibition against molestation or threats of bodily harm occurring on school grounds to the additional venues of: (1) school vehicles; (2) school

sponsored activities off of school property; and (3) property owned by a county board of education and used for administrative or other purposes. The bill also prohibits a person from threatening bodily harm to a school employee at home by any means, if the threat arose out of the scope of the employee's employment. This prohibition includes those made in person, by telephone, or by electronic mail. In addition, the bill increases, from \$1,000 to \$2,500, the maximum misdemeanor monetary penalty for violations of these prohibitions against molestation or threats of bodily harm. The current law maximum incarceration penalty for such offenses is six months.

State Revenues: General fund revenues could increase minimally as a result of the bill's increased monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's expanded warrantless arrest coverage, additional prohibitions, and the applicable incarceration penalty due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to 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 a DOC facility. Currently, the DOC 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.

The bill's additional notification requirements and enforcement can be handled with the existing budgeted resources of law enforcement agencies.

Local Revenues: Revenues could increase minimally as a result of the bill's increased monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's expanded warrantless arrest coverage, additional prohibitions, and the applicable incarceration penalty. Counties pay the full cost of incarceration 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.

The bill's additional notification requirements and enforcement can be handled with the existing budgeted resources of local law enforcement agencies and the State's Attorneys.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Department of State Police, Baltimore City, Montgomery County, Prince George's County, Department of Legislative Services

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