

Department of Legislative Services  
Maryland General Assembly  
1999 Session

FISCAL NOTE

House Bill 698 (Delegate K. Kelly)

Judiciary

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**Criminal Procedure - Bail - Assault Against Family Members**

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This bill adds second degree assault against certain persons to the list of offenses for which a person is ineligible for bail or to be released on recognizance by a District Court Commissioner if the charge was filed while the person was free on bail or recognizance for the same offense. The persons against whom such an assault would trigger this ineligibility are (1) the person's current or former spouse; (2) a cohabitant of the person; (3) an individual related to the person by blood, marriage, or adoption; or (4) an individual who has a child in common with the person. The person is allowed to have a hearing before a judge to rebut ineligibility for release on bail.

Under current law, there are 22 other offenses that would trigger this ineligibility.

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**Fiscal Summary**

**State Effect:** Potential significant general fund expenditure increases for the Baltimore City Detention Center, a State operated facility, and the Office of the Public Defender.

**Local Effect:** Potential significant general fund expenditure increases for local detention facilities.

**Small Business Effect:** None.

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**Fiscal Analysis**

**State Effect:** There were 55,689 dispositions for second degree assault in the District Court during fiscal 1998. It is unknown how many of these involved the relationships cited in this bill or constitute a subsequent charge for the same offense. There were 17,964 filings for domestic abuse in the District Court during fiscal 1998, but it is unknown how many

involved the relationships cited in this bill or had a prior charge of second degree assault.

In any event, since most of the domestic abuse cases brought before a District Court Commissioner result in bail or release on recognizance, it is assumed that this bill would result in a large number of persons not being released from detention. Each person could be expected to serve 1-3 days in detention until a hearing before a judge. This would lead to several effects that would have indeterminate fiscal impact: (1) an increase in the average daily populations at the Baltimore Detention Center, as well as at Central Booking in the city; and (2) a substantial increase in the number of persons needing representation by counsel at the hearings and, accordingly, increased staffing needs by the Office of the Public Defender.

At the same time, any pretrial detention time spent by a person ultimately convicted of a charge would likely be credited against any incarceration sentence meted out. Thus, this bill could also reduce the post-conviction actual time served by the offender. It is not possible to quantify these somewhat offsetting effects.

**Local Effect:** As is described above, this bill would increase the likelihood of defendants being remanded to continued detention rather than being released pretrial. However, any pretrial detention time spent by a person ultimately convicted of a charge would likely be credited against any incarceration sentence meted out. Thus, this bill could also reduce the post-conviction actual time served by the offender. It is not possible to quantify these somewhat offsetting effects.

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**Information Source(s):** Judiciary (District Court, Administrative Office of the Courts), Department of Public Safety and Correctional Services (Division of Correction, Division of Pretrial Detention and Services), Office of the Public Defender, Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 1999  
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