

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 371 (Harford County Delegation)

Judiciary

Domestic Violence - Ex Parte Orders - Denial of Bail

This bill requires a court to deny bail to a person who is arrested a second or subsequent time for failing to comply with the relief granted in an ex parte order.

Fiscal Summary

State Effect: Minimal increase in general fund expenditures for pretrial incarceration.

Local Effect: Minimal increase in pretrial incarceration expenditures.

Small Business Effect: None.

Analysis

Current Law: A person who fails to comply with an ex parte or protective order is guilty of a misdemeanor and subject to a maximum fine of \$1,000 and/or maximum imprisonment of 90 days for a first offense, and a maximum fine of \$2,500 and/or maximum imprisonment of one year for a second offense. There is no requirement that a violator of an ex parte order be denied bail.

State Expenditures: In Baltimore City, persons detained pretrial are generally housed in the Baltimore City Detention Center, which is operated by the Division of Correction (DOC). The bill could result in a minimal increase in State pretrial incarceration costs for multiple violators of ex parte orders. The precise number of persons arrested for multiple violations of an ex parte order is not known, but is believed to be small. Currently, DOC's 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 DOC inmate (food, medical care, etc.), excluding overhead, is \$275 per month.

Local Expenditures: Persons detained pretrial in jurisdictions other than Baltimore City are generally housed in local detention facilities. The bill could result in a minimal increase in local pretrial incarceration costs for multiple violators of ex parte orders. Per diem operating costs of local detention facilities are expected to range from \$15 to \$80 per inmate in fiscal 2001.

Additional Information

Prior Introductions: None.

Cross File: SB 276 (Senator Jacobs, *et al.*) - Judicial Proceedings.

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

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