

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 13 (Senator Baker. *et al.*)

Judicial Proceedings

Criminal Law - Failure of Duty to Report Death - Penalties

This bill provides that certain individuals with personal knowledge of a death, or who have personally discovered a body, must provide notice to authorities of that death within 24 hours to specified authorities. The bill limits this requirement to: (1) an individual who has care, custody, responsibility for supervision, or responsibility for care of the deceased; (2) a spouse, parent, or adult child of the deceased; or (3) a member of the deceased's household. Violators are guilty of a misdemeanor and subject to maximum penalties of a fine of \$500 and/or imprisonment for up to one year. The bill exempts individuals who have a reasonable belief that notification of the death has already been made.

Fiscal Summary

State Effect: The estimated number of additional deaths reported as a result of this bill is considered to be negligible and could be handled by the Chief Medical Examiner's Office with existing resources. Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

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

Small Business Effect: None.

Analysis

Current Law: There are no statutes in Maryland addressing the timely notice to authorities of a death.

Background: The lack of a specific death notification law has created concern in Maryland resulting from two recently reported cases involving the disposal of human remains as well as the timely notification of death to proper authorities.

State Revenues: General fund revenues could increase minimally as a result of the bill's 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 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 2001 are estimated to range from \$11 to \$54 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 \$1,700 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 \$260 per month.

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 as a result of the bill's 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 \$22 to \$83 per inmate in fiscal 2001.

Additional Information

Prior Introductions: None.

Cross File: HB 58 (Delegate Cadden, *et al.*) - Environmental Matters.

Information Source(s): Department of Health and Mental Hygiene (Office of the Chief Medical Examiner), Department of Legislative Services

Fiscal Note History: First Reader - January 21, 2000

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