

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 44 (Delegate Boschert)

Judiciary

Crimes - Burning the American Flag - Enhanced Penalties

This bill prohibits a person from mutilating, defacing, destroying, trampling, burning, or attempting to burn a flag of the United States on State-owned property. Violators are guilty of a misdemeanor and subject to maximum penalties of a fine of \$5,000 and/or imprisonment for three years.

Fiscal Summary

State Effect: 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: No statute specifically prohibits such actions on public or private property in Maryland.

Background: JR 1 of 1994 (SJ 4) and JR 2 of 1994 (HJ 6) memorialized the United States Congress to propose a federal constitutional amendment, for ratification by the states, to specify that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States. JR 8 of 1999 (HJ 25) memorialized the United States Congress to propose a federal constitutional amendment authorizing the Congress and the states to prohibit the physical desecration of the American flag.

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 more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal.

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 \$1,700 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.

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 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 DOC facilities. The Baltimore City Detention Center, 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 provision from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalty. 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 2001.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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cm/jr

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