

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 235 (Delegate Barklev. *et al.*)

Judiciary

Crimes - Assault on Law Enforcement Officer

This bill prohibits a person from intentionally assaulting: (1) a law enforcement officer; (2) an officer serving in a probationary status; (3) a parole and probation officer; or (4) an out-of-state law enforcement officer. The prohibition applies only when the person committing the assault knows or has reason to know that the person being assaulted is performing official duties.

Violators are guilty of the felony of first degree assault, and subject to a maximum imprisonment of 25 years and a mandatory minimum sentence of one year which may not be suspended. The bill requires any sentence imposed by these provisions to be served consecutively to any sentence being served at the time of the assault, or to one that had been imposed but was not yet being served at the time of sentencing.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's incarceration penalty provisions. Revenues would not be affected.

Local Effect: Potential minimal increase in expenditures due to the bill's incarceration penalty provisions. Revenues would not be affected.

Small Business Effect: None.

Analysis

Current Law: There is no prohibition specifically addressing assault on law enforcement officers. Such assaults are prosecuted under non-victim specific assault provisions.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalties 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. The mandatory minimum sentence provided under this bill would preclude probation for persons convicted of this crime. In fiscal 1999, two persons received probation and three persons were incarcerated in a DOC facility for assaulting a law enforcement officer.

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 Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalty in only those instances when an offender is sentenced to exactly one year. 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: A substantially similar bill was introduced in the 1999 session as HB 956 and received an unfavorable report from the Judiciary Committee.

Cross File: None.

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

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