

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

Senate Bill 276 (Senator Jacobs. *et al.*)
Judicial Proceedings

Domestic Violence - Violations of Ex Parte and Protective Orders - Pretrial Release

This bill prohibits a District Court commissioner from authorizing the pretrial release of a defendant charged with violating certain provisions of an ex parte or protective order while the defendant was released on bail or personal recognizance for a previous charge of violating the provisions of an ex parte or protective order. A judge may allow the pretrial release of such a defendant on suitable bail and/or any other conditions that will reasonably assure that the defendant will not flee or pose a danger to another person or the community.

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.

A District Court commissioner may not authorize the pretrial release of a defendant charged with violating the provisions of an ex parte or protective order that orders the defendant to refrain from abusing or threatening to abuse a person eligible for relief. A judge may allow the pretrial release of such a defendant on suitable bail and/or any other conditions that will

reasonably assure that the defendant will not flee or pose a danger to another person or the community.

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.

Currently, DOC's 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 DOC inmate (food, medical care, etc.), excluding overhead, is \$260 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. 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 371 (Harford County Delegation) - Judiciary.

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

Fiscal Note History: First Reader - February 16, 2000
drg/jr Revised - Senate Third Reader - March 20, 2000

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