

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

House Bill 647 (Delegates Doorv and Gettv)
(Committee to Revise Article 27 - Crimes and Punishments)

Judiciary

Crimes - Robbery Revision and Value of Property or Services in Theft and Related Offenses

This bill revises and restates the laws relating to robbery, and applies these changes to offenses committed on or after October 1, 2000.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues, and increase and decrease in expenditures, due to the bill's effect on penalty provisions applicable to crimes related to robbery, theft, and related offenses.

Local Effect: Potential minimal decrease in revenues and increase in expenditures due to the bill's effect on penalty provisions applicable to crimes related to robbery, theft, and related offenses.

Small Business Effect: None.

Analysis

Bill Summary: The bill increases, from \$300 to \$500, the value of property or services subject to penalties and offenses relating to theft, robbery, destruction of property, obtaining property or services by bad check, credit card offenses, and extortion. These crimes include both misdemeanors and felonies.

Revised provisions relating to robbery retain the judicially determined meaning of robbery, but include a proof of intent to deprive another of property, which is also a required element

of the crime of theft. “Obtaining the service of another,” which is also an element of theft, is included in the offense of robbery. The bill alters the definition of “crime of violence” in Article 27, and “qualifying crime of violence” in Article 88B (under provisions relating to the State’s DNA database system and repository), so as to reflect these changes to the crime of robbery. Such revisions are not intended to affect the separate crimes of carjacking or armed carjacking.

As a new offense, the bill establishes an enhanced penalty for robbery by prohibiting a person from committing or attempting to commit a robbery with a dangerous or deadly weapon. Violators are guilty of a felony and subject to a maximum incarceration penalty of 20 years.

The bill revises and merges provisions so that there is one formula for an indictment, information, warrant, or charging document, which includes the ability to list the value of the property or service that is the subject of the robbery, for the purposes of charging felony theft. Related provisions require a jury instruction for determining the value of the property or service at, above, or below \$500.

Current Law: Under common law, robbery is a specific intent crime that requires intent to permanently deprive the owner of property.

Background: The Committee to Revise Article 27 was appointed by the President and the Speaker in 1991. Unlike the Code revision committees which make only stylistic revisions to the Code, the Article 27 Committee is charged with revising both substantively and stylistically the State’s criminal law. The committee is composed of members of the House and Senate, judges, and lawyers, and includes a victim’s rights representative. In past years, the committee has successfully sponsored legislation to revise the State’s disorderly conduct laws, trespass laws, explosive laws, assault laws, victim’s rights laws, arson laws, escape laws, and burglary laws. This bill is the result of considerations and deliberations by the committee during the 1999 interim.

State Fiscal Effect: This bill could have a mixed impact on State corrections costs, the overall effect of which should be minimal. For example, raising the threshold for the crime of theft (from \$300 to \$500) could decrease the instances of convictions for theft and, thereby, decrease the number of persons sentenced to a Division of Correction (DOC) facility. Accordingly, general fund expenditures could decrease minimally due to fewer people being committed to DOC facilities. However, assuming no change in the number of criminal offenses where the value of the property or services stolen is between \$300 and \$500, there could be increased State payments to counties for reimbursement of inmate costs.

On the other hand, under the bill’s enhanced penalties for the crime of robbery with a deadly

weapon, general fund expenditures could increase as a result of people being committed to DOC facilities for longer periods of time.

To the extent that the bill could result in more trials in the District Court rather than the circuit courts, State revenues could increase.

In any event, although it is not possible to reliably quantify the varying effect of this bill, 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: To the extent that the bill could result in more trials in the District Court rather than the circuit courts, local revenues could decrease.

Local Expenditures: Expenditures could increase minimally as a result of more incarceration penalties of less than one year for persons convicted of related crimes where the value of the property or service is between \$300 and \$500. 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 \$22 to \$83 per inmate in fiscal 2001.

Additional Information

Prior Introductions: None.

Cross File: SB 591 (Senator Stone) - Judicial Proceedings.

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

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