

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 1139 (Delegate Franchot. *et al.*)

Judiciary

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**Crimes - Reckless Endangerment - Place in Fear by Use of Handgun**

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This bill establishes that a person who uses a handgun to place the person's spouse, parent, or child in fear of death or serious physical injury is guilty of the misdemeanor of reckless endangerment. Violators are subject to a mandatory minimum sentence of one year imprisonment, and maximum imprisonment for five years.

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**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:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Reckless endangerment is a misdemeanor in which: (1) a person recklessly engages in conduct that creates a substantial risk of death or serious physical injury to another person; or (2) with certain exceptions, a person recklessly discharges a firearm from a motor vehicle so as to create a similar risk.

Violators are subject to maximum penalties of a fine of \$5,000 and/or imprisonment for five years. In addition, a person who commits an assault with a firearm is guilty of the felony of assault in the first degree, and is subject to a maximum imprisonment penalty of 25 years.

**State Expenditures:** While Division of Correction (DOC) data for all current law reckless endangerment offenses show no intakes in fiscal 1999, the data for the Division of Parole and

Probation show 185 intakes for those offenses. In addition, DOC reports 41 intakes for “Domestic Other” in fiscal 1999, which could comprise a variety of offenses (some of which are violent), and Parole and Probation reports 222 similar offenses for the same period. However, it is not known how many of these offense intakes would qualify as violations of the misdemeanor created by this bill.

In any case, 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. 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.

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### **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

**Fiscal Note History:** First Reader - March 14, 2000  
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