

**Department of Legislative Services**  
Maryland General Assembly  
2001 Session

**FISCAL NOTE**

Senate Bill 40

(Senator Green)

Judicial Proceedings

Rules and Executive Nominations

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**False, Fictitious, or Fraudulent Representations to Legislative Branch Units**

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This bill provides that it is a misdemeanor to make a false statement, conceal a material fact, or make false representations in a recorded proceeding to a unit of the Legislative Branch of the State Government. The bill applies only to a hearing or other proceeding that is required to be recorded by the rules of the House or Senate. Violators are subject to maximum penalties of a fine of \$1,000 and/or imprisonment for one year.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

**Local Effect:** Potential minimal increase in revenues and expenditures due to the bill's penalty provisions.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** There is no specific offense of making a false representation to a unit of the legislative branch.

**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 increased payments to counties for reimbursement of inmate costs and 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 of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. 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 2002 are estimated to range from \$9 to \$52 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC 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 \$288 per month.

**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 as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration 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 \$17 to \$77 per inmate in fiscal 2002.

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### **Additional Information**

**Prior Introductions:** This bill is identical to SB 88 from the 2000 session, as well as SB 9 from the 1999 session and SB 24 from the 1998 session. All of these bills were passed by the Senate, but received an unfavorable report from the House Judiciary Committee. Similar bills were introduced during the 1988 through 1998 sessions. In 1988, 1989, 1990, 1993, 1995, 1996, 1997, 1998, and 1999 the bills received an unfavorable report from the House Judiciary Committee. In 1991, 1992, and 1994 the bills received an unfavorable report from the Senate Judicial Proceedings Committee.

**Cross File:** None.

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

**Fiscal Note History:** First Reader – January 12, 2001  
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