

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

House Bill 23 (Delegate Boschert)

Judiciary

Family Law - Domestic Violence - Penalties

This bill makes a second or subsequent offense of failing to comply with the relief granted in an ex parte or protective order a felony. On conviction, an offender is subject to a maximum fine of \$10,000 and/or a maximum term of imprisonment of five years.

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.

Analysis

Current Law: Failure to comply with the relief granted in an ex parte or protective order for relief from abuse is a misdemeanor. On conviction, a first-time offender is subject to a maximum fine of \$1,000 and/or a maximum term of imprisonment of 90 days. For a second or subsequent offense, an offender is subject to a maximum fine of \$2,500 and/or a maximum term of imprisonment of one year.

Background: Information regarding the number of criminal charges brought in the State for violation of ex parte and protective orders is not readily available. However, it is

believed that the number of charges for second and subsequent offenses of this crime is relatively minimal.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in District Court. The Administrative Office of the Courts advises that the bill would not affect the manner in which these types of cases are heard or handled by the Judiciary.

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, people being committed to DOC facilities for longer periods of time, and increased payments to counties for reimbursement of inmate costs.

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 \$288 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 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 DOC facilities.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalties. 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 \$17 to \$77 per inmate in fiscal 2002.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the State's Attorneys' Coordinator, Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Division of Correction), Office of the Public Defender, Department of Legislative Services

Fiscal Note History: First Reader – January 23, 2001
ncs/jr

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