

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

Senate Bill 445

(Senator Jacobs, *et al.*)

Judicial Proceedings

Judiciary

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 \$288 per month.

In addition, a District Court judge must provide a bail review for a defendant not released at the commissioner level. This bill would therefore result in additional bail review hearings. Although the additional bail reviews would consume clerical and judicial time, a significant impact is not expected.

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 \$17 to \$77 per inmate in fiscal 2002.

Additional Information

Prior Introductions: Similar bills were introduced during the 2000 session as SB 276 and HB 371. SB 276 passed the Senate but received an unfavorable report from the House Judiciary Committee. HB 371 also received an unfavorable report from the Judiciary Committee.

Cross File: HB 1061 (Delegate Amedori) – Judiciary.

Information Source(s): Department of Public Safety and Correctional Services (Division of Pretrial Detention and Services, Division of Correction), Judiciary (Administrative Office of the Courts, District Court of Maryland), Department of Legislative Services

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