

**Department of Legislative Services**

Maryland General Assembly

2001 Session

**FISCAL NOTE**

**Revised**

Senate Bill 266 (Senators Jimeno and DeGrange)

Judicial Proceedings

Judiciary

---

**Criminal Law - Theft - Third or Subsequent Conviction - Penalties**

---

This bill requires that for a third or subsequent conviction for theft where the value of the property or services are valued at less than \$500, the convicted person must restore or pay for the value of the property or services. The offender is subject to a maximum fine of \$5,000 and must be sentenced to an imprisonment term of up to 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:** Persons convicted of theft where the property or services that were the subject of the theft has a value of less than \$500 are guilty of a misdemeanor and must restore or pay for the value of the property or services, and are subject to maximum penalties of a fine of \$500 and/or imprisonment for 18 months. There are no penalty enhancements for subsequent offenses.

**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:** In fiscal 2000, the Division of Correction (DOC) had an intake of over 1,500 persons for theft related offenses. Of that number, about 1,380 have been identified as possibly involving theft of property or services valued under \$500. They are expected to serve a sentence of about 24 months. However, there is no data as to how many of these intakes involved repeat offenders.

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 DOC facilities for longer periods of time. The number of people who would be convicted under the bill's penalty enhancement for repeat theft offenders is unknown.

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. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) 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 decrease minimally as a result of the bill's enhanced incarceration penalty for repeat theft offenders. 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):** Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

**Fiscal Note History:** First Reader – February 25, 2001  
jm/cer Revised – Senate Third Reader – March 20, 2001

---

Analysis by: Guy G. Cherry

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510