

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 609 (Delegates Getty and Doory)
(Committee to Revise Article 27 – Crimes and Punishments)

Judiciary

Crimes - Offensive Contact

This bill creates the crime of offensive contact, defined as:

- intentionally causing unreasonable physical contact that does not result in physical injury to another who does not consent to the contact;
- attempting to cause unreasonable physical contact to another who does not consent to the attempted contact; or
- engaging in unreasonable conduct intending to put another in fear of imminent offensive physical contact.

A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 90 days and/or a fine of \$500. Charges for offensive contact must be filed in District Court.

The bill also provides that a spouse may be compelled to testify as an adverse witness in an offensive contact case in which the spouse is a victim under specified circumstances

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 expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: Offensive contact is not a crime.

Harassment is a misdemeanor punishable by a maximum term of imprisonment of 90 days and/or a maximum fine of \$500. Harassment is defined as following another person in or about a public place or maliciously engaging in a course of conduct that alarms or seriously annoys another person:

- with intent to harass, alarm, or annoy the other person;
- after reasonable warning or request to desist by or on behalf of the other person; and
- without a legal purpose.

Stalking is also a misdemeanor, punishable by a maximum term of imprisonment of five years and/or a maximum fine of \$5,000. Stalking means a malicious course of conduct that includes approaching or pursuing another person with intent to place that person in reasonable fear of serious bodily injury or death, or that a third person likely will suffer serious bodily injury or death.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provision. The number of people who would be charged with and convicted of the new crime of offensive contact cannot be estimated, but is not expected to be significant.

State Expenditures: 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. Persons serving a sentence of one year or less in Baltimore City are generally incarcerated in a DOC facility. Currently, the average total cost per inmate, including overhead, is estimated at \$1,700 per month. This bill alone, however, is not expected to 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 Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalty. Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence. 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: A similar bill was introduced during the 1998 session as HB 668. That bill received an unfavorable report from the Judiciary Committee.

Cross File: SB 622 (Senators Hughes and Stone) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader – February 20, 2001
ncs/jr

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