

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

Senate Bill 39 (Senators Green and Munson)

Judicial Proceedings

Judiciary

Crimes - Threats Against Local Officials and Law Enforcement Officers

This bill expands the definition of “local official” under a provision that prohibits threats against local government officials. Specifically, the bill adds “appointed officials” and local “law enforcement officers” to that definition. For an appointed official, this prohibition only applies during the course of performing official duties. Current law penalties applicable to those who make threats against local government officials remain the same.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill’s application of a current law penalty provision.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill’s application of a current law penalty provision.

Small Business Effect: None.

Analysis

Current Law: Under criminal code provisions relating to threats against State officials, a “local official” means an individual serving in a publicly elected office of a local government unit. Persons who make threats against local government officials are guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a fine of \$2,500.

State Revenues: General fund revenues could increase minimally as a result of the applicable monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the applicable incarceration penalty due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal.

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. The Baltimore City Detention Center, a State operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues could increase minimally as a result of the applicable monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the applicable incarceration penalty. 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: An identical bill (SB 218) was introduced during the 2000 session, which received an unfavorable report from the House Judiciary Committee. A similar bill was introduced in 1999 (SB 10), which also received an unfavorable report from the House Judiciary Committee.

Cross File: None.

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

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ef/jr

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