

**Department of Legislative Services**  
Maryland General Assembly  
2001 Session

**FISCAL NOTE**

Senate Bill 109           (Senators Baker and Hooper)  
Judicial Proceedings

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**Criminal Law - Threats Against Person - Prohibited**

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This bill prohibits a person from knowingly and willfully making a threat to take the life of, kidnap, or inflict bodily harm upon any other person. A current law prohibition against such conduct or activities toward or against State or local officials is eliminated. The penalties applicable to the current law prohibition relating to State and local officials are applied to the expanded prohibition provided under this bill.

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**Fiscal Summary**

**State Effect:** Minimal increase in general fund revenues and expenditures due to the bill's penalty provision.

**Local Effect:** Minimal increase in revenues and expenditures due to the bill's penalty provision.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person is prohibited from knowingly and willfully making a threat to take the life of, kidnap, or inflict bodily harm upon a State or local official. State and local government employees are not covered under this prohibition. Violators 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 bill's monetary penalty provision from cases heard in the District Court.

**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 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 bill's monetary penalty provision from cases heard in the circuit courts.

**Local Expenditures:** Expenditures could increase minimally as a result of the bill's 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.

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### **Additional Information**

**Prior Introductions:** Various bills in recent years have been introduced to expand the prohibition against threats to take the life of, kidnap, or inflict bodily harm upon a State or local official. SB 218 in 2000 and SB 10 in 1999 would have included appointed officials acting in an official capacity and law enforcement officers under the prohibition. Each of those bills passed the Senate but received an unfavorable report from the House Judiciary Committee. SB 270 in 2000 and SB 177 in 1999 would have included State or

local government employees under the prohibition. Each of those bills received an unfavorable report from the Senate Judicial Proceedings Committee. HB 1005 in 2000 would have expanded the definition of “local official” to include appointed officials. That bill was withdrawn.

**Cross File:** None.

**Information Source(s):** Department of Legislative Services

**Fiscal Note History:** First Reader – January 24, 2001  
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Analysis by: Guy G. Cherry

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