

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE
Revised

Senate Bill 209

(The President, *et al.*) (Administration)

Judicial Proceedings

Judiciary

Bulletproof Body Armor - Prohibitions

This Administration bill prohibits a person from wearing or possessing bulletproof body armor during and in relation to a “drug trafficking crime.” The bill also prohibits a person who has been convicted of a crime of violence or a drug trafficking crime from using, possessing, or purchasing bulletproof body armor unless the person petitions for and obtains a five-year permit from the Secretary of State Police. The bill establishes petition and permit procedures, as specified, and requires the Secretary to adopt regulations to carry out these provisions. A violator of these provisions is subject to maximum penalties of a fine of \$5,000 and/or imprisonment for five years.

Fiscal Summary

State Effect: Minimal general fund revenue increase for the State Police if fees are charged for bulletproof body armor permits beginning in FY 2002. The State Police could handle the bill’s requirements with existing budgeted resources. 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 and the shift in jurisdiction for some cases from the District Court to the circuit courts.

Small Business Effect: A small business impact statement was not provided by the Administration in time for inclusion in this fiscal note. A revised fiscal note will be issued when the Administration’s assessment becomes available.

Analysis

Current Law: Any person who wears bulletproof body armor in the commission of a crime of violence is guilty of a separate misdemeanor and on conviction, in addition to any other sentence imposed by virtue of commission of the crime of violence, is subject to a fine of not more than \$5,000 or imprisonment for not more than five years, or both.

State Revenues: The State Police advise that any fiscal impact from this bill would depend on regulations not yet written. Accordingly, it is not known whether any bulletproof body armor permitting mechanism implemented by the State Police would have any applicable fees or other cost/revenue mechanism attached thereto. It is also not known how many persons might apply for a full or limited permit. Legislative Services assumes that the State Police, by regulation, would institute some cost recovery fees attendant to this permitting authority. It is assumed that any such fees would be set within affordability limits for qualifying persons, and would be distributed to the general fund.

General fund revenues could increase minimally as a result of the bill's monetary penalty provision for cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalties 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 these offenses 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. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) 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 increased monetary penalty provision since some cases currently heard in the District Court would likely be 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.

Additional Information

Prior Introductions: None.

Cross File: HB 305 (The Speaker, *et al.*) – Judiciary.

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

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