

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 200
Judiciary

(Chairman, Judiciary Committee and Delegate Grosfeld)

Judicial Proceedings

False Statements - Destructive Devices - Restitution

This bill clarifies the scope of restitution available to State, county, municipal, and bicolity governmental units for responding to a false threat of a destructive device or toxic material or to the location of a representation of a destructive device that was manufactured, possessed, transported, or placed with intent to terrorize, frighten, intimidate, threaten, or harass. Restitution will be available for actual costs reasonably incurred in the response to a location and search for and removal of a destructive device or device constructed to represent a destructive device.

Fiscal Summary

State Effect: Minimal. The bill's clarifying changes are not expected to significantly affect the operations or finances of public agencies engaged in the enforcement or prosecution of Maryland's criminal code. Although the State may realize some additional revenue stemming from the recovery of costs associated with responding to false threats, it is not expected to be significant.

Local Effect: Minimal. Although local governments may realize some additional revenue stemming from the recovery of costs associated with responding to false threats, it is not expected to be significant.

Small Business Effect: None.

Analysis

Current Law: It is a felony to make a false statement about the location or possible detonation of a destructive device or the location or possible release of toxic material. A governmental unit may receive restitution pursuant to this prohibition for actual costs reasonably incurred due to the response to a location and search for a destructive device cause by the false statement of a destructive device.

It is a felony to manufacture, possess, transport, or place a device that is constructed to represent a destructive device with the intent to terrorize, frighten, intimidate, threaten, or harass. A governmental unit may receive restitution pursuant to this prohibition for actual costs reasonably incurred in the search for and removal of a device constructed to represent a destructive device.

Background: This bill is the result of the work of the Criminal Law Article Code Revision Committee. That committee while revising the criminal laws encountered issues that were not appropriate for inclusion in the code revision bill because they involved substantive changes to the law. In the reviser's notes to HB 11, the Criminal Law Article, the committee recommended that the General Assembly address these issues. This is one of several bills resulting from these recommendations.

At the recommendation of the committee, this bill addresses the disparity in current law restitution provisions noted above.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Prince George's County, Garrett County, Criminal Law Article Review Committee, Department of Legislative Services

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