

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

Senate Bill 760 (Senators Stone and Hughes)
 (Committee to Revise Article 27 – Crimes and Punishments)

Judicial Proceedings

Crimes - Penalties

This bill adds and alters various incarceration and monetary fine penalties for specified crimes under Article 27, the Criminal Law Article (new), Business Regulation Article, the Environment Article, the Health - General Article, the Transportation Article, Article 33, and the Election Law Article (new). The bill also adds penalty provisions for the common law crimes of “resisting arrest,” “hindering or obstructing a law enforcement officer in the performance of duty,” “misconduct in office,” and “riot.”

Fiscal Summary

State Effect: General fund revenues could increase minimally as a result of the bill’s new and altered monetary penalty provisions from cases heard in the District Court. To the extent that fines are levied by courts instead of imprisonment penalties -- where that option was not before available -- State correctional costs could be reduced. However, the bill’s increases to various maximum imprisonment penalty provisions could also increase State correctional costs.

Local Effect: Revenues could increase minimally as a result of the bill’s new and altered monetary penalty provisions from cases heard in the circuit courts. To the extent that fines are levied by courts instead of imprisonment penalties -- where that option was not before available -- local correctional costs could be reduced. However, the bill’s increases to various maximum imprisonment penalty provisions could also increase State correctional costs.

Small Business Effect: None.

Analysis

Bill Summary: The bill establishes maximum penalties for several common law offenses as follows:

- resisting arrest -- imprisonment for five years and/or a fine of \$5,000;
- hindering or obstructing a law enforcement officer in the performance of the officer's duty -- imprisonment for three years and/or a fine of \$3,000;
- misconduct in office -- imprisonment for ten years and/or a fine of \$10,000; and
- riot -- imprisonment for 15 years and/or a fine of \$15,000.

Current Law: Various criminal offenses addressed under this bill lack uniformity of sentences available for consideration by the Judiciary. There are also various statutory offenses for which a court has no monetary sentence option to be imposed either together with or instead of available incarceration penalties.

The common law offenses addressed under this bill do not have statutory penalty provisions. For common law crimes under current law there is no cap on the length of imprisonment or the amount of a fine. The only limitation is the constitutional prohibition against the imposition of cruel and unusual punishment.

Background: The Committee to Revise Article 27 was appointed in 1991 by the Speaker and the President and charged with making both substantive and stylistic changes to the State's criminal law. The committee is composed of legislators, judges, lawyers representing both defendants and the State, and a victims' rights representative. In past sessions the committee has successfully sponsored legislation to revise the laws on accessory before and after the fact, arson, assault, benefit of clergy, burglary, destructive devices, disorderly conduct, escape, Medicaid fraud, offensive contact, prostitution, robbery, sabotage, trespass, and victims' rights.

The State Commission on Criminal Sentencing Policy was established in 1999 (Chapter 648, Acts. of 1999). The commission is responsible for the State's voluntary criminal sentencing guidelines. It collects sentencing guidelines worksheets and automates the information; monitors sentencing practices, including judicial compliance with the guidelines; and, as necessary, adopts changes to the guidelines. The commission integrates correctional options into the guidelines and establishes criteria for determining which defendants should be eligible for correctional options.

The State's current sentencing guidelines are found in the Code of Maryland Regulations (COMAR). The guidelines categorize crimes according to seriousness, with Category 1

being the most serious to Category 7 being the least serious. There is, however, a lack of uniformity of sentences within each category.

During the 2000 interim, the Article 27 Committee appointed a subcommittee to examine the issue of whether fines should be added for crimes that are currently not punishable by fines. During the course of its work, the subcommittee decided that a broader look at penalties was desirable and that input from the State Commission on Criminal Sentencing Policy would be beneficial. As a result, during the 2001 interim the Article 27 Committee and the State Commission on Criminal Sentencing Policy appointed a joint subcommittee to examine the issues of criminal penalties in the State in an effort to provide greater uniformity of sentences. After reviewing and revising the work of the joint subcommittee, the Article 27 Committee recommended that this bill be introduced.

Additional Information

Prior Introductions: None.

Cross File: HB 667 (Delegates Doory and Getty) (Committee to Revise Article 27 – Crimes and Punishments) – Judiciary.

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

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