

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 451
Judiciary

(Delegate Sophocleus, *et al.*)

Judicial Proceedings

**Crimes - Religious and Ethnic Animosity - Defacing Buildings, Statues,
Monuments, and Memorials**

This bill expands the applicability of existing religious and ethnic crimes prohibitions by including publicly or privately owned, leased, or used statues, monuments, or memorials under the current law prohibitions relating to defacing, damaging, or destroying real or personal property.

Fiscal Summary

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

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

Small Business Effect: None.

Analysis

Current Law: A person may not deface, damage, or destroy, attempt to deface, damage, or destroy, burn or attempt to burn an object on, or damage the real or personal property connected to a building that is publicly or privately owned, leased, or used, including a cemetery, library, meeting hall, recreation center, or school: (1) because a person or group of a particular race, color, religious belief, or national origin has contacts or is associated with the building; or (2) if there is evidence that exhibits animosity against a

person or group, because of the race, color, religious beliefs, or national origin of that person or group. A violator is subject to the following penalties:

- if the violation involves a separate felony, the person is guilty of a felony and is subject to maximum imprisonment of ten years and/or a fine of \$10,000;
- if the violation involves a separate felony and results in death of a victim, the person is guilty of a felony and subject to maximum imprisonment of 20 years and/or a fine of \$20,000; or
- in all other cases, the person is guilty of a misdemeanor and subject to maximum imprisonment of three years and/or a fine of \$5,000.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provisions from 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 for longer periods of time and increased payments to counties for reimbursement of inmate costs. The number of additional people convicted under the new definition of "institution" is expected to be minimal.

Generally, 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 \$1,850 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 \$300 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 2003 are estimated to range from \$10 to \$61 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 (BCDC), 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 provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalties. 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 \$20 to \$84 per inmate in fiscal 2003.

Additional Information

Prior Introductions: A similar bill, HB 1290, was introduced during the 2001 session. That bill passed the House, received a hearing before the Senate Judicial Proceedings Committee and had no further action taken on it.

Cross File: None.

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

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