

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**  
**Revised**

House Bill 1012

(Delegate Amedori, *et al.*)

Judiciary

Judicial Proceedings

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**Agriculture - Crimes - Agricultural Research Protection Act**

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This bill prohibits a person from maliciously damaging or destroying an agricultural research operation or related farm product. A violator is guilty of a misdemeanor and subject to maximum penalties of a fine of \$5,000 and/or imprisonment for three years. In addition, a person convicted of violating this prohibition must be required to compensate the owner for the fair market value of the damaged or destroyed agricultural research operation or farm product.

The bill defines “agricultural research operation” as land, buildings, and equipment owned or leased by a farmer, private research facility, university, or any federal, State, or local government agency, used in the production of a farm product that is being used for testing or research purposes.

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**Fiscal Summary**

**State Effect:** 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.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Under the State’s general prohibition against malicious destruction, a misdemeanor, a person may not willfully and maliciously destroy, injure, or deface the real or personal property of another. A violator who causes damage of at least \$500 is subject to maximum penalties of a fine of \$2,500 and/or imprisonment for three years. A violator who causes damage of less than \$500 is subject to maximum penalties of a fine of \$500 and/or imprisonment for 60 days. A violator may also be ordered by a court to pay restitution.

The term “agricultural product” is not now defined under Title 10 of the Agriculture Article. The following terms are defined under that title:

- “agricultural commodity” means livestock, poultry, field crops, including nursery stock, bulbs, and flowers, and other agricultural products having a domestic or foreign market; and
- “farm product” means any agricultural, horticultural, vegetable, or fruit product of the soil, including livestock, meats, marine food products, poultry, eggs, dairy products, wool, hides, feathers, nuts, honey, and every product of farm, forest, orchard, garden, or water, but does not include canned, frozen, dried, or pickled products.

**Background:** This bill is similar to a Pennsylvania bill (HB 1492 of the 2001 session) signed into law as Act No. 27 on June 22, 2001.

**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 increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. 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 a DOC facility. Currently, the DOC 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.

**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 as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration 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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 25, 2002  
mam/cer Revised - House Third Reader - March 21, 2002

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