

Department of Legislative Services  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

Senate Bill 682 (Senators Pinsky and Green)  
Judicial Proceedings

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**Crimes - Threat Against a State or Local Official - Local Appointed Official**

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This bill expands the definition of “local official” under a provision that prohibits threats against local government officials. Specifically, the bill adds to that definition an individual serving in an appointed capacity in a county or municipal corporation who is: (1) a code enforcement or compliance officer; or (2) nominated by the mayor or local executive body and confirmed by the local legislative body. Current law penalties applicable to those who make threats against local government officials remain the same.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the bill’s expansion of the application of a current law penalty provision.

**Local Effect:** Potential minimal increase in revenues and expenditures due to the bill’s expansion of the application of a current law penalty provision.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person may not knowingly and willfully make a threat to take the life of, kidnap, or cause physical injury to a State official or local official. A person may not knowingly send, deliver, part with, or make for the purpose of sending or delivering a prohibited threat. In either instance, a violator is guilty of a misdemeanor and subject to maximum penalties of a fine of \$2,500 and/or imprisonment for three years.

“Local official” means an individual serving in a publicly elected office of a local government unit.

“Threat” includes: (1) an oral threat; or (2) a threat in any written form, whether or not the writing is signed, or if the writing is signed, whether or not it is signed with a fictitious name or any other mark.

**State Revenues:** General fund revenues could increase minimally as a result of the applicable monetary penalty provision from cases heard in the District Court.

**State Expenditures:** General fund expenditures could increase minimally as a result of the applicable incarceration penalty 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 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 applicable monetary penalty provision from cases heard in the circuit courts.

**Local Expenditures:** Expenditures could increase minimally as a result of the applicable 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:** Similar bills relating to threats against local officials and law enforcement officers (SB 218) were introduced during the 1999, 2000, and 2001 sessions.

SB 10, SB 218, and SB 39, respectively, passed the Senate and received an unfavorable report from the House Judiciary Committee.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 4, 2002  
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