

**Department of Legislative Services**

Maryland General Assembly

2002 Session

**FISCAL NOTE**

**Revised**

House Bill 373

(Delegate Dembrow, *et al.*)

Judiciary

Judicial Proceedings

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**Anti-Terrorism Act of 2002**

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This emergency bill prohibits a person from committing, conspiring to commit, or threatening to commit an “act of terrorism.”

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**Fiscal Summary**

**State Effect:** Potential general fund expenditure increases for the Office of the Public Defender. Additional imprisonment costs associated with lengthier incarcerations would not be felt until future years.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** This bill prohibits a person from knowingly committing, attempting to commit, or conspiring to commit, an “act of terrorism.” The criminal act must involve the intent to intimidate, coerce, or instill fear in a civilian population. A violator is guilty of a felony and subject to imprisonment for life.

In addition to the criminal penalty, without limiting a right to restitution under existing victims’ rights provisions of the Criminal Procedure Article, a court may order a person convicted under this section to pay restitution to: (1) various governmental entities for actual response costs; (2) the owner or tenant of a property for resultant property damage or the actual value of any goods, services, or income lost as a result of an evacuation of

the property; (3) a person injured as a result of an act of terrorism; and (4) a surviving spouse, child, or dependent of a person killed as a result of an act of terrorism.

The bill also prohibits a person from knowingly threatening to commit an act of terrorism. A violator is guilty of a felony and subject to maximum penalties of imprisonment for ten years and/or a fine of \$10,000. A convicted person may also be ordered to pay restitution in a similar manner as for committing an act of terrorism.

The bill also makes knowingly harboring a terrorist a felony subject to maximum penalties of imprisonment for 20 years and/or a fine of \$25,000.

**Current Law:** A person may not 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 violator is guilty of a felony and subject to maximum penalties of a fine of \$10,000 and/or imprisonment for ten years, and may be ordered to pay restitution.

**Background:** This bill is in response to general and specific concerns that have arisen nationally relating to threats of terrorism since September 11, 2001. Generally, State efforts have centered on creating specific statutory crimes for terrorist acts and providing appropriate penalties for making false threats or creating fear.

**State Expenditures:** General fund expenditures could eventually increase as a result of the bill's incarceration penalty due to more people being committed to Division of Correction (DOC) facilities for longer periods of time. The number of people that would be convicted under this bill's provisions is unknown. A person sentenced to life without the possibility of parole is expected to be imprisoned for about 540 months (45 years).

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.

In addition, litigation of cases involving a penalty of life without parole are lengthy because few defendants will plead guilty to an offense carrying such a penalty and because sentencing proceedings frequently include defenses involving lay and expert testimony and other evidence that might militate against such a sentence being rendered. The Public Defender estimates the cost of a fully litigated life without parole case at about \$25,000, including the costs of experts, records, and investigation.

## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 26, 2002  
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