

Department of Legislative Services  
Maryland General Assembly  
2002 Session

FISCAL NOTE

House Bill 1414  
Judiciary

(Delegate Greenip, *et al.*)

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Crimes - Assault on Law Enforcement Officer

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This bill prohibits a person from intentionally assaulting: (1) a law enforcement officer; (2) an officer serving in a probationary status; (3) a parole and probation officer; or (4) an out-of-state law enforcement officer. The prohibition applies only when the person committing the assault knows or has reason to know that the person being assaulted is performing official duties.

A violator is guilty of the felony of first degree assault and subject to a maximum imprisonment of 25 years and a mandatory minimum sentence of 1 year, which may not be suspended. The bill requires any sentence imposed pursuant to these provisions to be served consecutively to any sentence being served at the time of the assault, or to one that had been imposed but was not yet being served at the time of sentencing.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund expenditures due to the bill's incarceration penalty provisions. Revenues would not be affected.

**Local Effect:** Potential minimal increase in expenditures due to the bill's incarceration penalty provisions. Revenues would not be affected.

**Small Business Effect:** None.

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## **Analysis**

**Current Law:** There is no prohibition specifically addressing assault on law enforcement officers. Such assaults are prosecuted under non-victim specific assault provisions.

First degree assault is limited to intentionally causing or attempting to cause serious physical injury to another, or committing an assault with a firearm. Violators are guilty of a felony and subject to a maximum penalty of 25 years imprisonment. An assault on any person that does not involve causing or attempting to cause serious physical injury or the use of a firearm is assault in the second degree. Violators are guilty of a misdemeanor and subject to maximum penalties of a fine of \$2,500 and/or imprisonment for ten years.

**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 and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal. The mandatory minimum sentence provided under this bill would preclude probation for persons convicted of this crime.

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, a State-operated facility, is used primarily for pretrial detentions.

**Local Expenditures:** Expenditures could increase minimally as a result of the bill's incarceration penalty in only those instances when an offender is sentenced to a term between 1 year and 18 months and directed to serve that sentence at a local correctional facility. 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.

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### **Additional Information**

**Prior Introductions:** Similar bills were introduced in 1999 and 2000. HB 956 of 1999 and HB 235 of 2000 each 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 18, 2002  
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