

**Department of Legislative Services**

Maryland General Assembly

2002 Session

**FISCAL NOTE**

Senate Bill 757 (Senators Stone and Hughes)  
(Committee to Revise Article 27 – Crimes and Punishments)  
(Senator Kelley)  
(State Commission on Criminal Sentencing Policy)

Judicial Proceedings

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**Crimes - Fines**

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This bill adds and alters various fines and penalties for specified crimes under Article 27, Article 33, Article 38A, Article 88A, the Agriculture Article, the Commercial Law Article, the Correctional Services Article, the Courts and Judicial Proceedings Article, the Criminal Law Article (new), the Family Law Article, the State Finance and Procurement Article, and the Election Law Article (new).

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**Fiscal Summary**

**State Effect:** General fund revenues could increase minimally as a result of the bill's new and altered monetary penalty provisions from cases heard in the District Court. To the extent that fines are levied by courts instead of imprisonment penalties of one year or more -- where that option was not available before -- State correctional costs could be reduced.

**Local Effect:** Revenues could increase minimally as a result of the bill's new and altered monetary penalty provisions from cases heard in the circuit courts. To the extent that fines are levied by courts instead of imprisonment penalties of less than one year -- where that option was not available before -- local correctional costs could be reduced.

**Small Business Effect:** None.

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## **Analysis**

**Bill Summary:** In general, this bill provides monetary penalty sentencing options for specified offenses when not now provided in statute and/or changes specified monetary penalties to be comparable to those available for similar or comparable offenses.

**Current Law:** There are various statutory offenses for which a court has no monetary sentence option to be imposed either together with or instead of available incarceration penalties.

**Background:** The Committee to Revise Article 27 was appointed in 1991 by the Speaker and the President and charged with making both substantive and stylistic changes to the State's criminal law. The committee is composed of legislators, judges, lawyers representing both defendants and the State, and a victims' rights representative. In past sessions the committee has successfully sponsored legislation to revise the laws on accessory before and after the fact, arson, assault, benefit of clergy, burglary, destructive devices, disorderly conduct, escape, Medicaid fraud, offensive contact, prostitution, robbery, sabotage, trespass, and victims' rights.

The State Commission on Criminal Sentencing Policy was established in 1999 (Chapter 648, Acts of 1999). The commission is responsible for the State's voluntary criminal sentencing guidelines. It collects sentencing guidelines worksheets and automates the information; monitors sentencing practices, including judicial compliance with the guidelines; and, as necessary, adopts changes to the guidelines. The commission integrates correctional options into the guidelines and establishes criteria for determining which defendants should be eligible for correctional options.

The State's current sentencing guidelines are found in the Code of Maryland Corrections (COMAR). The guidelines categorize crimes according to seriousness, with Category 1 being the most serious to Category 7 being the least serious. There is, however, a lack of uniformity of sentences within each category.

During the 2000 interim, the Article 27 Committee appointed a subcommittee to examine the issue of whether fines should be added to crimes that currently are not punishable by fines. During the course of its work, the subcommittee decided that a broader look at penalties was desirable and that input from the State Commission on Criminal Sentencing Policy would be beneficial. As a result, during the 2001 interim the Article 27 Committee and the State Commission on Criminal Sentencing Policy appointed a joint subcommittee to examine the issues of criminal penalties in the State in an effort to provide greater uniformity of sentences. This bill is the result of that study.

Generally, persons serving a sentence longer than one year are incarcerated in the Division of Corrections (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.

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:** None.

**Cross File:** HB 665 (Delegates Doory and Getty)(Committee to Revise Article 27 – Crimes and Punishments) and (Delegates Vallario and Dembrow)(State Commission on Criminal Sentencing Policy) – Judiciary.

**Information Source(s):** Commission on Criminal Sentencing Policy, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2002  
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