

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 198
Judiciary

(Chairman, Judiciary Committee and Delegate Grosfeld)

Judicial Proceedings

Criminal Law - Political Subdivisions - Powers and Prohibitions

This bill clarifies that:

- provisions relating to the crime of public utility interference do not apply to supervision and control of an electric company and its material, equipment, or facilities by the political subdivision within which the electric company is doing business;
- with regard to the crime of defalcation, a “revenue officer” includes an officer with the duty to collect revenue due to governmental entities other than the State or a county; and
- with regard to the crime of use of simulated documents to induce payment, a person may not employ a simulated document that implies that the person is associated with a unit of the federal government or a unit of the State or a county or municipal government.

Fiscal Summary

State Effect: The bill’s changes are not expected to materially affect State operations or finances.

Local Effect: The bill’s changes are not expected to materially affect local operations or finances.

Small Business Effect: None.

Analysis

Current Law: Provisions governing the crime of public utility interference relating to electrical equipment do not apply to: (1) an employee of or a person authorized by an electric company; and (2) supervision and control of an electric company and its material, equipment, or facilities by the municipal corporation within which the electric company is doing business.

Provisions governing the crime of defalcation define “revenue officer” as an officer with the duty to collect revenue due to the State or a county, including a clerk, notary public, register of wills, sheriff, and tax collector. A revenue officer may not willfully detain and neglect to pay money due to the State, a county, or other governmental entity into the Treasury of the State or a county or to another revenue officer authorized to receive the money longer than: (1) 60 days after the date specified by law for the revenue officer to make payment; or (2) 6 months after the date that the money is collected, if the law does not specify a date for the revenue officer to make payment.

Provisions pertaining to the crime of use of simulated documents to induce payment provide that a person may not use, sell, or send or deliver to another, with the intent to induce the payment of a claim, a document that: (1) simulates a summons, complaint, or other court process of any kind; or (2) implies that the person is a part of or associated with a unit of the federal government or a unit of a State or municipal government. In addition, a person may not use a seal, insignia, envelope, or any other form that simulates the seal, insignia, envelope, or form of any governmental unit, with intent to induce the payment of a claim.

Background: This bill is the result of the work of the Criminal Law Article Code Revision Committee. While revising the criminal laws, the committee encountered issues that were not appropriate for inclusion in the code revision bill because they involved substantive changes to the law. In the revisor’s notes to HB 11, the Criminal Law Article bill, the committee recommended that the General Assembly address these issues. This is one of several bills resulting from these recommendations.

The committee notes that current law provisions relating to the crime of public utility interference exempt “supervision... of an electric company... by the municipal corporation” where the company does business. The provision does not address similar supervisory activities by other forms of government, such as charter counties, that may not have existed in 1898 when this provision was first enacted. This bill adds other forms of local government to this exemption.

The committee also notes that, under provisions governing the crime of defalcation, the defined term “revenue officer” appears to encompass only an officer collecting revenue for the State or a county, and not any other political subdivision such as a municipal corporation, special taxing district, or bi-county agency. This bill addresses that apparent omission.

In addition, the committee notes that, under provisions governing the crime of use of simulated documents to induce payment, a person is prohibited from using a document that implies the person is part of “State” or “municipal” government, but not “county” government. This bill adds that reference.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Allegany County, Prince George’s County, Baltimore City, Criminal Law Article Review Committee, Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2002
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