

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 669 (Delegates Getty and Doory)
(Committee to Revise Article 27 – Crimes and Punishments)

Judiciary

Criminal Law - Failure to Deliver Documents - Grain Elevators

This bill expands the applicability of a criminal prohibition against failing to deliver certain documents relating to grain shipment to the grain purchaser upon completion of the shipment -- the bill repeals the requirement that the grain in question be stored for shipment and transport from Baltimore City to the purchaser. The bill also repeals minimum penalty provisions applicable to this crime.

Fiscal Summary

State Effect: The bill's changes are not expected to significantly affect governmental finances.

Local Effect: None -- see above.

Small Business Effect: None.

Analysis

Current Law: A person may not, for the person's own benefit and in bad faith, fail to deliver to a party who entrusted the person with money as an advance against grain or other merchandise, as soon as the shipment of grain or other merchandise is completed and the bill of lading is delivered to the purchaser:

- the draft or bill of exchange and other document required for shipment of the cargo of grain or other merchandise; and

- any policy of insurance on the grain or other merchandise.

This prohibition applies to a person who is entrusted with money as an advance against grain or other merchandise:

- that is purchased and stored in an elevator; and
- for which a certificate or receipt has been delivered to an official of the elevator storage facility or to the party with whom the grain or other merchandise is stored for shipment and transport from Baltimore City to the purchaser.

A violator is guilty of a misdemeanor and on conviction is subject to imprisonment of at least one year and not more than ten years, a fine of at least \$500 and not more than \$5,000, or both.

Background: In House Bill 11 of the 2002 session, the proposed Criminal Law Article, the Criminal Law Article Review Committee noted that if grain is stored in an elevator that is not in Baltimore City, transported to a purchaser who is not in Baltimore City, and does not pass through an elevator in Baltimore City, then the prohibition against failure to deliver documents appears not to apply. The committee recommended that the General Assembly explore whether the provision is still needed. If it is still needed, then the General Assembly should consider whether it should apply to grain and merchandise shipped from elevators outside Baltimore City.

The Article 27 Committee 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 various laws relating to criminal conduct.

State/Local Fiscal Effect: Fine revenues and incarceration expenditures could decrease as a result of the bill's removal of the minimum penalty provisions applicable to this crime. On the other hand, fine revenues and incarceration costs could increase as a result of the bill's expansion of the applicability of this crime. The precise net impact of this bill on the State and local governments cannot be estimated at this time due to lack of information, but any such impact is not expected to be significant.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 20, 2002
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Analysis by: Karen D. Morgan

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510