

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 643
Judiciary

(Delegate Doory, *et al.*)

Judicial Proceedings

Crimes - Terrorism

This bill prohibits terrorism, threatened terrorism, and harboring terrorists (including a conspiracy to commit any of those offenses). The bill provides that the violations are felonies and violators are subject to the following maximum penalties: (1) for knowingly committing an act of terrorism, life imprisonment; (2) for knowingly threatening to commit an act of terrorism, imprisonment for 10 years and/or a fine of \$10,000; and (3) for knowingly harboring or concealing a terrorist, imprisonment for 20 years and/or a fine of \$25,000. The bill provides for the payment of restitution by a violator, including providing for joint and several liability for restitution in the case of a conspiracy. The bill adds these offenses under the definition of “crime of violence” in the general sentencing provisions of the Criminal Law Article.

Fiscal Summary

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

Local Effect: Potential increase in revenues due to the bill’s monetary penalty provisions since these cases would likely be heard in the circuit courts. Expenditures would not be affected.

Small Business Effect: None.

Analysis

Current Law: An act of international terrorism, as defined under Title 18 of the U.S. Code, is included under the definition of “crime” under provisions applicable to the Criminal Injuries Compensation Board.

An act of terrorism is included under the definition of “emergency” under provisions applicable to the Maryland Emergency Management Agency and provisions applicable to the Maryland Security Council.

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 imprisonment for ten years and/or a fine of \$10,000. In addition to the criminal penalty, a court may order a person convicted or found to have committed a delinquent act under this prohibition to pay restitution to various governmental entities for actual response costs, as well as to the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of an evacuation of the property.

Background: It is assumed that 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. During the 2002 session, various legislative attempts to establish a statutory crime of terrorism, *per se*, failed.

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 for longer periods of time. The number of people that would be convicted of these proposed crimes is unknown. Under current law sentencing practices, a person sentenced to life with the possibility of parole may earn diminution credits and is expected to serve a term of about 360 months (30 years).

Persons serving a sentence longer than 18 months 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 \$350 per month. Excluding medical care, the average variable costs total \$120 per month.

Local Revenues: Revenues could increase as a result of the bill's monetary penalty provisions.

Additional Information

Prior Introductions: In 2002, a bill to create the crime of "making a terrorist threat," SB 76, was withdrawn.

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 6, 2003
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