

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 234 (Senators Stone and Hughes)
(Committee to Revise Article 27 – Crimes and Punishments)

Judicial Proceedings

Criminal Law - Extortion - Fines

This bill establishes maximum fines for crimes relating to extortion. Specifically, the bill establishes the following maximum monetary penalties: \$2,000 for “extortion by false accusation;” \$10,000 for “extortion by verbal threat;” and \$10,000 for “extortion by written threat.”

Fiscal Summary

State Effect: General fund revenues could increase minimally as a result of the bill’s new monetary penalty provisions from cases heard in the District Court. To the extent that fines are levied by courts instead of imprisonment penalties (involving a State correctional facility) – 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 monetary penalty provisions from cases heard in the circuit courts. To the extent that fines are levied by courts instead of imprisonment (involving a local correctional facility) – where that option was not available before – local correctional costs could be reduced.

Small Business Effect: None.

Analysis

Current Law: With the intent to extort money or procure other profit, a person may not falsely accuse or threaten to accuse another of a crime or anything that, if the accusation

were true, would tend to bring the other person into contempt or disrepute. A violation is a misdemeanor, subject to imprisonment for up to two years.

With the intent to extort or gain money, property, or anything of value, a person may not verbally threaten to: (1) accuse any person of a crime that may be charged by indictment under Maryland law or accuse any person of anything that, if true, would bring the person into contempt or disrepute; or (2) injure the person or property of anyone. A violation of this provision is a felony, subject to imprisonment for at least two years, but not exceeding ten years.

With the intent to extort or gain money, property, or anything of value from another, a person may not knowingly send or deliver, or make for the purpose of being sent or delivered, and part with the possession of, a writing threatening to: (1) accuse any person of a crime that may be indictable under Maryland law or accuse any person of anything, that, if true, would bring the person into contempt or disrepute; or (2) injure the person or property of anyone. A violation of this provision is a felony, subject to imprisonment for at least two years but not exceeding ten years. This provision applies to any writing, whether or not the writing is signed, or if the writing is signed, whether or not it is signed with a fictitious name or any other mark or designation. The provision does not apply to a good faith reasonable notice of dishonor and warning of criminal prosecution given by the holder of an instrument to the maker of the instrument.

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, leased or rented goods, Medicaid fraud, offensive contact, prostitution, robbery, sabotage, trespass, and victims' rights.

The specific fines for the crimes in this bill were proposed under the rationale that the appropriate maximum fine should be calculated by multiplying by \$1,000 the maximum number of years of imprisonment authorized by statute.

State Revenues: General fund revenues could increase minimally under the bill's monetary penalty provision for those cases heard in the District Court.

Local Revenues: Revenues could increase minimally under the bill's monetary penalty provision for those cases heard in the circuit courts.

Additional Information

Prior Introductions: In 2002, HB 665 and SB 757, which would have added and altered fines and penalties for a variety of specified crimes, received unfavorable reports from the House Judiciary Committee and Senate Judicial Proceedings Committee, respectively. The provisions of this bill were contained therein.

Cross File: HB 301 (Delegate Doory) – Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

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