

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 177
Judicial Proceedings

(Senator Greenip, *et al.*)

Crimes - Assault on Law Enforcement Officer

This bill prohibits a person from intentionally assaulting: (1) a law enforcement officer; (2) an officer serving in a probationary status; (3) a parole and probation officer; or (4) an out-of-state law enforcement officer. The prohibition applies only when the person committing the assault knows or has reason to know that the person being assaulted is performing official duties. A violator is guilty of the felony of first degree assault and subject to a maximum imprisonment of 25 years.

Fiscal Summary

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

Local Effect: Potential minimal increase in expenditures due to the bill's incarceration penalty provisions. Revenues would not be affected.

Small Business Effect: None.

Analysis

Current Law: There is no prohibition specifically addressing assault on law enforcement officers. Such assaults are prosecuted under nonvictim specific assault provisions.

First degree assault is limited to intentionally causing or attempting to cause serious physical injury to another, or committing an assault with a firearm. Violators are guilty

of a felony and subject to a maximum penalty of 25 years imprisonment. An assault on any person that does not involve causing or attempting to cause serious physical injury or the use of a firearm is assault in the second degree. Violators are guilty of a misdemeanor and subject to maximum penalties of a fine of \$2,500 and/or imprisonment for ten years.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. Because only one person was convicted of such an assault in fiscal 2002, the number of people convicted of this proposed crime is expected to continue to be minimal.

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.

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 2004 are estimated to range from \$14 to \$59 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, a State-operated facility, is used primarily for pretrial detentions. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalty in only those instances when an offender is sentenced to a term of less than 18 months and directed to serve that sentence at a local correctional facility. 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 \$28 to \$84 per inmate in fiscal 2004.

Additional Information

Prior Introductions: Similar bills were introduced in 1999, 2000, and 2002. HB 956 of 1999, HB 67 and HB 235 of 2000, and HB 1414 of 2002 each received an unfavorable report from the House Judiciary Committee. SB 336 of 2000 was withdrawn.

Cross File: HB 68 (Delegate Boschert, *et al.*) – Judiciary.

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

Fiscal Note History: First Reader - February 7, 2003
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