

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 228

(Delegates Bozman and Conway)

Judiciary

Criminal Law - Terroristic Threats

This bill prohibits a person from threatening to commit any crime likely to result in death or serious injury to a person or property. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$5,000.

The bill also prohibits a person from making a false statement: (1) knowing the statement is likely to cause an evacuation; (2) knowing the statement is likely to cause serious inconvenience; or (3) in reckless disregard of the risk of causing terror or serious inconvenience. A violator is guilty of a felony and subject to maximum penalties of imprisonment for ten years and/or a fine of \$10,000.

A sentence imposed under these provisions must be in addition to any other sentence imposed for a conviction arising from the same facts and circumstances, unless the evidence required to prove each crime is substantially identical.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Minimal increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: A person may not make, or cause to be made, a statement, report, or complaint that the person knows to be false as a whole or in material part, to a State or local law enforcement officer with intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report, or complaint. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for six months and/or a fine of \$500.

A person who is arrested by a State or local law enforcement officer may not knowingly, and with intent to deceive, make a false statement to a law enforcement officer concerning the person's identity, address, or date of birth. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for six months and/or a fine of \$500.

A person may not make, or cause to be made, a statement or report that the person knows to be false as a whole or in material part to an official or unit of the State or of a political subdivision of the State, that a crime has been committed or that a condition imminently dangerous to public safety or health exists, with the intent that the official or unit investigate, consider, or take action in connection with that statement or report. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for six months and/or a fine of \$500.

A person may not circulate or transmit to another, with intent that it be acted on, a statement or rumor that the person knows to be false about the location or possible detonation of a destructive device or the location or possible release of toxic material. 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 penalty provided under this provision, a court may order a person convicted or found to have committed a delinquent act under this section to pay restitution to: (1) the State, county, municipal corporation, bi-county unit, or special taxing district for actual costs reasonably incurred due to the response to a location and search for a destructive device caused by the false statement or rumor of a destructive device; and (2) the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property in response to the false statement or rumor of a destructive device.

Background: This bill is modeled after a similar Delaware statute whereby violators are subject to maximum incarceration penalties of one, two, or three years (plus fines), depending on whether the resulting conviction is for certain classes of misdemeanor or felony offenses.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court.

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 and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected 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 Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalties. 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: In 2002, a bill prohibiting the making of a terroristic threat (SB 76) was withdrawn. Similar provisions were eliminated from HB 1036 prior to passage and enactment as Chapter 100 of 2002. In 2001, a bill prohibiting terroristic threats

against a person (SB 109) received an unfavorable report from the House Judiciary Committee.

Cross File: None.

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

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