

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 634

(Delegates Brown and Doory)

(Committee to Revise Article 27 – Crimes and Punishments)

Judiciary

Judicial Proceedings

Criminal Law - Extortion - Damages and Penalties

This bill revises and clarifies the State's extortion laws.

Fiscal Summary

State Effect: General fund revenues could increase minimally as a result of the bill's new statutory monetary penalty provision from cases heard in the District Court. General fund expenditures for correctional costs could also be minimally affected by the bill's increased statutory imprisonment penalty, but only if incarceration sentencing patterns affecting State facilities change as a result of these provisions.

Local Effect: Revenues could increase minimally as a result of the bill's new statutory monetary penalty provisions from cases heard in the circuit courts. Expenditures for correctional costs could also be minimally affected by the bill's new statutory maximum imprisonment penalty, but only if incarceration sentencing patterns affecting local detention facilities change as a result of these provisions.

Small Business Effect: None.

Analysis

Bill Summary: The crimes of extortion by verbal threat and extortion by written threat cover threats to:

- cause physical injury to a person;
- inflict emotional distress on a person;
- cause economic damage to a person; or
- cause damage to the property of a person.

The maximum penalties for extortion by false accusation, extortion by verbal threat, and extortion by physical threat are 10 years imprisonment and/or a \$10,000 fine.

Current Law: The crimes of extortion by verbal threat and extortion by written threat cover threats to injure the person or property of anyone.

The maximum penalty for extortion by false accusation is two years imprisonment. The penalty for extortion by verbal threat and extortion by written threat is imprisonment for not less than two years or more than 10 years.

Background: The New Issues Subcommittee of the Committee to Revise Article 27 has recommended the revision of the State's extortion laws to clarify that threats to do "mental" and "economic" injury are included.

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.

Additional Information

Prior Introductions: None.

Cross File: SB 353 (Senators Stone and Giannetti) (Committee to Revise Article 27 – Crimes and Punishments) – Judicial Proceedings.

Information Source(s): Commission on Criminal Sentencing Policy, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 24, 2004
n/jr

Analysis by: Rita A. Reimer

Direct Inquiries to:
(410) 946-5510
(301) 970-5510