

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 896
Judiciary

(Delegate Boutin, *et al.*)

Fireworks - Discharge of Fireworks Inside a Building - Criminal Penalties

This bill prohibits a person from discharging fireworks inside a building. A violator who as a result of the violation causes the death of another person, is guilty of the felony of manslaughter and subject to current law penalties of imprisonment for up to 10 years, or imprisonment in a local correctional facility for up to two years and/or a fine of \$500. A violator who as a result of the violation creates a substantial risk of death or serious physical injury, is guilty of the misdemeanor of reckless endangerment and subject to current law penalties of imprisonment for up to five years and/or a fine of up to \$5,000.

The State Fire Marshal must determine, as an additional condition for issuing a permit to discharge fireworks, that the proposed discharge will not occur inside a building.

The bill also increases the maximum fine for the discharge or possession of fireworks without a permit from \$250 to \$2,500 for each offense.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill's penalty provisions. Enforcement could be handled with the existing budgeted resources of the State Fire Marshal.

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

Small Business Effect: None.

Analysis

Current Law: The State Fire Marshal may issue a permit to authorize the discharge of fireworks in a place where the discharge is legal. Such a permit may only be issued if the State Fire Marshal determines that the proposed discharge will not endanger health or safety or damage property, and will be supervised by an experienced and qualified person with previous written authority.

Without a permit, a person may not discharge fireworks or possess fireworks with a certain intent or purpose relating to discharge. A violator is guilty of a misdemeanor and subject to a maximum fine of \$250 for each offense.

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 these proposed crimes 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. Excluding medical care, the average variable costs total \$120 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. 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. 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 2005 are estimated to range from \$14 to \$58 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.

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 \$29 to \$97 per inmate in fiscal 2005.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police, Department of Legislative Services

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