

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 663

(Delegate Smigiel, *et al.*)

Judiciary

Judicial Proceedings

**Crimes - Robbery by Display of Written Instrument Claiming Possession of
Dangerous Weapon - Penalty**

This bill prohibits a person from committing or attempting to commit a robbery by displaying a written instrument claiming that the person has possession of a dangerous weapon. A violator is guilty of a felony and subject to maximum imprisonment of 20 years.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's incarceration penalty provision.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person may not commit or attempt to commit robbery. A violator is guilty of a felony and subject to a maximum imprisonment of 15 years. A person may not commit or attempt to commit robbery with a dangerous weapon. A violator is guilty of a felony and subject to a maximum imprisonment of 20 years.

Under Title 4 of the Criminal Law Article (Weapon Crimes), a "weapon" includes a dirk knife, bowie knife, switchblade knife, star knife, sandclub, metal knuckles, razor, and nunchaku. "Weapon" does not include a handgun or a penknife without a switchblade.

Background: In fiscal 2004, the Division of Correction (DOC) had an intake of 274 persons convicted of robbery with a deadly weapon (with an average sentence of 118 months) and 17 persons convicted of attempted robbery with a deadly weapon (with an average sentence of 57 months). Also in fiscal 2004, the DOC intake was 256 persons for unarmed robbery (with an average sentence of 64 months) and 28 persons for attempted unarmed robbery (with an average sentence of 67 months). It is unknown how many of these crimes included the use of a written instrument claiming the possession of a dangerous weapon.

State Expenditures: Because this bill would allow an additional number of prosecutions for robbery or attempted robbery to be treated the same as a violation whereby the robber actually had a dangerous weapon, a violator would be subject to a maximum 20-year sentence rather than a maximum 15-year sentence. Accordingly, general fund expenditures could increase minimally as a result of the applicable incarceration penalty due to people being committed to DOC facilities for longer periods of time. The number of people convicted of robbery or attempted robbery under the bill's circumstances 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 \$310 per month. Excluding medical care, the average variable costs total \$120 per month.

Theoretically, this bill could add five years to the sentence of an indeterminate number of people now convicted for unarmed robbery or attempted unarmed robbery. Assuming the average variable inmate costs, an additional five years served in a DOC facility costs about \$7,200 (60 months x \$120). Any such effect would not be felt for several years.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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ncs/jr

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