

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 806
Judiciary

(Delegates Petzold and Vallario)

Criminal Law - Robbery - Premises of Fiduciary Institution

This bill prohibits a person from committing or attempting to commit robbery on the premises of a fiduciary institution. A violator is guilty of a felony and subject to a maximum incarceration penalty of 30 years. The bill also includes this category of robbery as a crime of violence under provisions relating to mandatory sentencing for such crimes.

The bill is effective June 1, 2005.

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, which requires an intent to permanently deprive the owner of property. A violator is guilty of a felony and subject to a maximum imprisonment of 15 years.

Chapter 288 of 2000 revised provisions relating to robbery (then a common law crime) so as to retain the judicially determined meaning of robbery, but to also include a proof of

intent to deprive another of property, which is a required element of the crime of theft. The Act also provided that “obtaining the service of another,” which is also an element of theft, is included in the offense of robbery.

Chapter 288 established an enhanced penalty for robbery by prohibiting a person from committing or attempting to commit a robbery with a dangerous or deadly weapon. Violators are guilty of a felony and subject to a maximum incarceration penalty of 20 years.

Background: According to the most recent *Uniform Crime Report* for Maryland, of the 13,302 robberies committed in the State in 2003, 207 (2%) were bank robberies. The total amount reported stolen was \$1,187,295. In 2002, there were 13,687 robberies in Maryland, of which 295 (2%) were bank robberies. Intake data for the Division of Correction (DOC) does not distinguish for this type of robbery.

According to the FBI, there were 9,504 bank robberies in 2003 and 9,693 in 2002. Bank robberies peaked nationally in 2001 with 10,262 reported.

State Expenditures: General fund expenditures could increase minimally as a result of the bill’s incarceration penalty due to “bank robbers” being committed to DOC facilities for longer periods of time. The number of people convicted of this proposed crime is expected to be minimal and, because violators are now subject to a 20-year maximum sentence for robbery, the resulting fiscal impact would not likely be felt until 2016.

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.

Additional Information

Prior Introductions: None.

Cross File: SB 579 (Senator Garagiola, *et al.*) – Judicial Proceedings.

Information Source(s): Department of Legislative Services

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mp/jr

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