

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 681 (Senator Harris, *et al.*)
Education, Health, and Environmental Affairs

Election Law - Fraudulent Registration and Voting - Penalties

This bill provides that a person who violates specified provisions related to voter registration and voting is guilty of a felony, instead of a misdemeanor, and subject to maximum penalties of 10 years imprisonment and/or a \$50,000 fine.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to increased penalties.

Local Effect: Minimal increase in revenues and expenditures due to increased penalties.

Small Business Effect: None.

Analysis

Current Law: Violations relating to voter registration and voting include willfully and knowingly impersonating another person to register to vote or vote (or attempt to vote); registering to vote or voting more than once; and preventing, hindering, or delaying a person from registering, or influencing or attempting to influence a voter's decision of how to vote or whether to go to the polls, through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward.

A violator of these prohibitions is guilty of a misdemeanor and subject to maximum penalties of five years imprisonment and/or a \$2,500 fine. A person in violation of the

prohibitions relating to voting who does not know they are committing an illegal act is subject to a civil penalty of up to \$5,000.

State Revenues: General fund revenues could increase minimally as a result of the increased monetary penalties from cases heard in the District Court.

State Expenditures: Changing crimes from misdemeanors to felonies means: (1) that such cases will likely be filed in the circuit courts rather than the District Court; and (2) some persons could eventually serve longer incarcerations due to enhanced penalty provisions, applicable to some offenses, for prior felony convictions. It is not known whether, under the bill's provisions, the prospect of a jury trial might spur more plea bargains and affect actual sentencing practices for this offense.

In any case, this bill would shift some unknown number of cases from the District Court to the circuit courts.

General fund expenditures could increase minimally as a result of the bill's increased incarceration penalty due to people being committed to Division of Correction (DOC) facilities for longer periods of time. 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 \$1,974 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 \$341 per month. Excluding medical care, the average variable costs total \$134 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 2007 are estimated to range from \$17 to \$65 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 provision increasing monetary penalties from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's increased incarceration penalty. 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 \$33 to \$119 per inmate in fiscal 2007.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland State Board of Elections, Department of Public Safety and Correctional Services, Department of Legislative Services

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Analysis by: Scott D. Kennedy

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