

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 498
Judiciary

(Charles County Delegation)

Criminal Law - False Statements Made During an Investigation - Prohibition

This bill prohibits a person, with the intent to deceive and during the course of an investigation, from making a statement, report, or complaint that the person knows to be false to a law enforcement officer. A violator is guilty of a misdemeanor and subject to maximum current law penalties of imprisonment for six months and/or a fine of \$500.

The bill's provisions specifically include law enforcement officers of the State, any political subdivision of the State, or of the Maryland-National Capital Park and Planning Police.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

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

Small Business Effect: None.

Analysis

Current Law: A person may not make a statement, report, or complaint that the person knows to be false as a whole or in material part, to a law enforcement officer of the State, of a county, municipal corporation, or other political subdivision of the State, or of the Maryland-National Capital Park and Planning Police, with intent to deceive and to cause

an investigation or other action to be taken as a result of the statement, report, or complaint. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for six months and/or a fine of \$500.

A person is prohibited from knowingly or fraudulently obtaining a driver's license by misrepresentation. When applying for a driver's license, a person may not: (1) use a false or fictitious name; (2) knowingly make a false statement; (3) knowingly conceal a material fact; (4) use a false, fictitious, or fraudulently altered document; or (5) otherwise commit a fraud. A person convicted of unlawful application for or use of a driver's license is guilty of a misdemeanor and is subject to a maximum penalty of a \$500 fine and/or two months imprisonment.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. 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 a DOC facility. Currently, the DOC 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.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration 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: HB 778 of 2005 had a hearing before the House Judiciary Committee and was withdrawn.

Cross File: None.

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

Fiscal Note History: First Reader - February 23, 2006
ncs/jr

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