

Department of Legislative Services  
Maryland General Assembly  
2007 Session

FISCAL AND POLICY NOTE

House Bill 293  
Judiciary

(Delegate Niemann, *et al.*)

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Criminal Law - Mail Theft - Penalty

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This bill prohibits a person from knowingly and willfully removing, taking, possessing, obtaining, or receiving “mail” without the permission of the U.S. Postal Service or the intended recipient. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a fine of \$5,000. The bill also repeals the current law prohibition against opening a letter without permission.

The bill allows for a prosecution of this misdemeanor at any time.

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Fiscal Summary

**State Effect:** Minimal increase in general fund revenues and expenditures due to the bill’s penalty provisions.

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

**Small Business Effect:** None.

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Analysis

**Current Law:** A person may not take and break open a letter that is not addressed to the person without permission from the person to whom the letter is addressed or the personal representative of the addressee’s estate. A violator is guilty of a misdemeanor and subject to penalties of imprisonment for six days and a fine of \$15.

If a statute provides that a misdemeanor is punishable by imprisonment in the penitentiary or that a person is subject to section 5-106(b) of the Courts and Judicial Proceedings Article, the State may institute a prosecution for the misdemeanor at any time. Generally, a prosecution for a misdemeanor must be instituted within one year after the offense was committed.

**Background:** This bill is modeled after a statute adopted in Minnesota in 2003 as Chapter 609-529 Mail Theft.

**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 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 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 \$2,300 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 \$465 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 2008 are estimated to range from \$21 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 monetary penalty provision from cases heard in the circuit courts.

**Local Expenditures:** Expenditures could increase minimally as a result of the bill's 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 \$42 to \$120 per inmate in fiscal 2008.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Maryland District Court), Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

**Fiscal Note History:** First Reader - February 7, 2007  
mam/jr

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