

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 643

(Delegates McDonough and Impallaria)

Judiciary

Harford County and Baltimore County - Criminal Law - Loitering

This bill establishes the offense of loitering in Harford County and Baltimore County. “Loiter” means to idle, stand, or remain, alone or as part of a group of individuals.

Fiscal Summary

State Effect: Minimal increase in general fund revenues due to the bill’s monetary penalty provision. Expenditures would not be affected.

Local Effect: Minimal. Although the bill’s prohibition applies only in Harford County and Baltimore County, granting jurisdiction to the District Court for violations would direct any fine revenue to the State general fund. Local correctional expenditures in those two counties could also minimally increase. Enforcement would be handled by the existing budgeted law enforcement resources of each county.

Small Business Effect: None.

Analysis

Bill Summary: A person is prohibited from loitering in a “commercial establishment” without conducting lawful business and without consent of the owner or operator of the business (or their employee), or if the person is asked to leave by the owner or operator, their employee, or a law enforcement officer. A person is prohibited from loitering in a “residence” without the consent of specified persons or if the person is asked to leave by the owner or lessee, a person in legal control of the residence, or a law enforcement

officer. A person is also prohibited from loitering in a “public place” if the person is asked to leave by a law enforcement officer.

A violator of any of these prohibitions is guilty of a misdemeanor and subject to maximum penalties of imprisonment for six months and/or a fine of \$500. The bill’s provisions may not be construed to prevent orderly picketing or other lawful assembly.

Current Law: Various provisions of the Alcoholic Beverages Article prohibit an underage person from loafing or loitering about the licensee’s business premises. The term “loiter” is not now defined in the Annotated Code.

State Revenues: General fund revenues could increase minimally as a result of the bill’s monetary penalty provision because these cases would be 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 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 Baltimore County 50% and Harford County 85% of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2008 in these counties are estimated to be \$31 in Baltimore County and \$65 in Harford County per inmate.

Local Fiscal Effect: 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 in the two affected jurisdictions are expected to be \$62 in Baltimore County and \$77 in Harford County per inmate in fiscal 2008.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Harford County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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ncs/hlb

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