

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 316

(Senator Robey, *et al.*)

Judicial Proceedings

Judiciary

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Criminal Law - Impersonation of a Police Officer - Penalties

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This bill increases the maximum penalties for the crime of impersonating a police officer with fraudulent design or for the purpose of deception from imprisonment for two years and/or a fine of \$2,000 to imprisonment for five years and/or fine of \$5,000.

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Fiscal Summary

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

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

**Small Business Effect:** None.

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Analysis

**Current Law:** A person may not, with fraudulent design on person or property, falsely represent themselves to be a police officer, special police officer, sheriff, deputy sheriff, or constable. With a certain exception, a person may not have, use, wear, or display a uniform, shield, button, ornament, badge, identification, or shoulder patch adopted by the Department of State Police to be worn by its members, insignia, or emblem of office, as is worn by a police officer, sheriff, deputy sheriff, or constable. In addition, a person may not, for the purpose of deception, have a simulation or imitation of such an insignia or emblem, or use, wear, or display such an article without the appropriate authority of specified State, local, or federal law enforcement entities.

A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for two years and/or a fine of \$2,000.

**Background:** Chapter 167 of 2004 increased the maximum penalties for this offense from imprisonment for six months and/or a fine of \$100 to the current levels.

**State Revenues:** General fund revenues could increase minimally as a result of the bill's increased 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 increased incarceration penalty due to people being committed to Division of Correction (DOC) facilities for longer periods of time and increased payments to counties for reimbursement of inmate costs. The number of people convicted of these crimes 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 \$2,600 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 \$526 per month. Excluding medical care, the average variable costs total \$148 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 2009 are estimated to range from \$19 to \$71 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 increased monetary penalty provision 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 \$40 to \$129 per inmate in fiscal 2009.

## Additional Information

**Prior Introductions:** None.

**Cross File:** HB 1191 (Delegate DeBoy, *et al.*) – Judiciary.

**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 18, 2008  
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