

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1315
Judiciary

(Delegate Ramirez, *et al.*)

Criminal Law - Offensive Physical Contact

This bill prohibits, under provisions relating to disorderly conduct, a person from (1) intentionally causing minor offensive physical contact of a nonsexual nature to an adult; (2) engaging in conduct intending to put an adult in fear of minor offensive physical contact of a nonsexual nature; or (3) attempting to cause minor offensive physical contact of a nonsexual nature to an adult. A violator is guilty of a misdemeanor and subject to current law maximum penalties of 60 days imprisonment and/or a \$500 fine.

The bill's provisions do not apply to physical contact which results in the filing of an incident report with law enforcement or a petition for relief from a court or a District Court Commissioner under domestic violence provisions of the Family Law Article.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions. Any increased workload for the District Court can be handled with existing budgeted resources.

Local Effect: Potential minimal increase in expenditures due to the bill's incarceration penalty provision. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: A violator of prohibitions against disturbing the public peace and disorderly conduct is guilty of a misdemeanor and subject to current law maximum penalties of 60 days imprisonment and/or a \$500 fine.

A person may not commit an assault. A violator is guilty of the misdemeanor of second degree assault and subject to maximum penalties of 10 years imprisonment and/or a \$2,500 fine. Assault means the crimes of assault, battery, and assault and battery.

A person may not intentionally cause physical injury to another if the person knows or has reason to know that the individual is a law enforcement officer, including a correctional officer, engaged in the performance of the officer's official duties. "Physical injury" means any impairment of physical condition, excluding minor injuries. A violator is guilty of the felony of second degree assault and subject to maximum penalties of 10 years imprisonment and/or a \$5,000 fine.

Under the State's prohibition against first degree assault, a person may not intentionally cause or attempt to cause serious physical injury to another. A person may not commit an assault with a firearm. A violator is guilty of the felony of first degree assault and subject to up to 25 years imprisonment.

Background: The State Commission on Criminal Sentencing Policy reports that the State sentencing guidelines database reports a total of 21 convictions for disorderly conduct in the circuit courts in fiscal 2008. The commission also advises that it is likely there were far more cases filed and heard statewide in the District Court, but the actual number of such cases or convictions is not readily available.

State Revenues: General fund revenues may increase minimally as a result of the bill's monetary penalty provision because these cases will be filed and heard in the District Court.

State Expenditures: General fund expenditures may increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction (DOC) facilities in Baltimore City. The number of people convicted of disorderly conduct under circumstances covered by the bill is expected to be minimal.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. Excluding overhead, the average cost of housing a new DOC inmate (including variable

medical care and variable operating costs) is \$342 per month. Excluding all medical care, the average variable costs total \$164 per month.

Local Expenditures: Expenditures may 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. Per diem operating costs of local detention facilities are expected to range from \$46 to \$141 per inmate in fiscal 2010.

Additional Information

Prior Introductions: HB 917 of 2008 passed the House and received a hearing before the Senate Judicial Proceedings Committee. No further action was taken.

Cross File: None.

Information Source(s): Commission on Criminal Sentencing Policy, Maryland Department of Planning, Judiciary (Administrative Office of the Courts), Office of the Public Defender, State's Attorneys' Association, Department of Legislative Services

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mlm/kdm

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