

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 778
Judiciary

(Delegate King, *et al.*)

Criminal Law - Threat Against Deputy State's Attorney or Assistant State's Attorney

This bill prohibits a person from knowingly and willfully making a threat to take the life of, kidnap, or cause physical injury to a deputy State's Attorney or an assistant State's Attorney. A violator is guilty of a misdemeanor and subject to maximum penalties of a fine of \$2,500 and/or imprisonment for three years.

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 knowingly and willfully make a threat to take the life of, kidnap, or cause physical injury to a State or local official. A person may not knowingly send, deliver, part with, or make for the purpose of sending or delivering a prohibited threat. A violator is guilty of a misdemeanor and subject to maximum penalties of a \$2,500 fine and/or three years imprisonment.

“Threat” includes: (1) an oral threat; or (2) a threat in any written form, whether or not the writing is signed, or if the writing is signed, whether or not it is signed with a fictitious name or any other mark.

Local official means an individual serving in a publicly elected office of a local government unit. State official means a:

- constitutional officer or officer-elect in an executive unit;
- member or member-elect of the General Assembly;
- judge or judge-elect;
- judicial appointee;
- State’s Attorney;
- clerk of the circuit court;
- register of wills; or
- sheriff.

State Revenues: General fund revenues may increase minimally as a result of the bill’s monetary penalty provision from cases 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 and increased payments to counties for reimbursement of inmate costs. The number of people convicted of these proposed 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 variable medical care and variable operating costs) is \$342 per month. Excluding all medical care, the average variable costs total \$164 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 2010 are estimated to range from \$23 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 may increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

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, plus part of the per diem cost after 90 days. 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 887 of 2005 passed the House, passed the Senate, as amended on Second Reading, and was recommitted to the Senate Judicial Proceedings Committee where it received no further action.

Cross File: None.

Information Source(s): Howard County, Judiciary (Administrative Office of the Courts), Montgomery County, Department of Public Safety and Correctional Services, State's Attorneys' Association, Department of Legislative Services

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ncs/kdm

Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510