

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 738
Judiciary

(Delegate Olszewski)

Criminal Law - Malicious Destruction of Property - Penalties

This bill increases the maximum monetary penalty for malicious destruction of property causing damage of at least \$500 from \$2,500 to \$5,000 and increases the maximum monetary penalty for malicious destruction of property causing damage of less than \$500 from \$500 to \$1,000. The bill changes current statutory authority for a court to order a defendant convicted of malicious destruction of property by an act of graffiti to perform community service in addition to or in lieu of paying restitution. Instead, a defendant convicted of this offense must pay restitution and may be ordered by a court to perform community service in addition to any other penalties imposed.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues from fines imposed in District Court cases due to the bill's monetary penalties. Expenditures are not affected.

Local Effect: Potential minimal increase in local revenues from fines imposed in circuit court cases due to the bill's monetary penalties. Expenditures are not affected.

Small Business Effect: Potential minimal impact on small businesses who receive restitution from a defendant convicted of maliciously destroying their property as a result of the bill.

Analysis

Current Law: A person may not willfully and maliciously destroy, injure, or deface the real or personal property of another. A violator who causes at least \$500 of damage to the property is guilty of a misdemeanor and is subject to maximum penalties of

three years imprisonment and/or a \$2,500 fine. If the damage is valued at less than \$500, a violator is guilty of a misdemeanor and is subject to maximum penalties of 60 days imprisonment and/or a \$500 fine. If it cannot be determined from the evidence whether the value of the property damage is more or less than \$500, the value is deemed to be less than \$500.

In addition to the penalties listed above, a court must order a person convicted of causing malicious destruction by an act of graffiti to pay restitution and/or perform community service. State law defines “graffiti” as a permanent drawing, permanent painting, or a permanent mark or inscription on the property of another without the permission of the property owner.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery and Caroline counties, State’s Attorneys’ Association, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2010
mam/kdm

Analysis by: Amy A. Devadas

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