

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 510
Judiciary

(Delegate Waldstreicher, *et al.*)

Judicial Proceedings

Criminal Law - Harassment - Penalties

This bill increases the maximum penalties for a second or subsequent conviction for the crime of harassment to 180 days imprisonment and/or a \$1,000 fine. The current statutory penalties for stalking and harassment apply to a first violation.

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 expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: A person may not follow another in or about a public place or maliciously engage in a course of conduct that alarms or seriously annoys the other (1) with the intent to harass, alarm, or annoy the other; (2) after receiving a reasonable warning or request to stop by or on behalf of the other; and (3) without a legal purpose. A violator is guilty of a misdemeanor and subject to maximum penalties of 90 days imprisonment and/or a \$500 fine. The prohibition does not apply to a peaceable activity intended to express a political view or provide information to others.

State Revenues: General fund revenues increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalties due to people being committed to Division of Correction facilities for longer periods of time for convictions in Baltimore City. 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 Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Expenditures: Expenditures increase as a result of the bill's incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from \$57 to \$157 per inmate in recent years.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City, Howard, and Montgomery counties, Commission on Criminal Sentencing Policy, Office of the Public Defender, Department of Public Safety and Correctional Services, State's Attorneys' Association, Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2011
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