

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 967
Judiciary

(Delegate Olszewski, *et al.*)

Criminal Law - Malicious Destruction of Property - Penalties

This bill increases the monetary penalties for the malicious destruction of property. If the damage to the property is valued at \$500 or more, the maximum fine is increased from \$2,500 to \$5,000. If the damage is valued at less than \$500, the maximum fine is increased from \$500 to \$1,000.

Fiscal Summary

State Effect: Minimal increase in general fund revenues from monetary penalties imposed in District Court cases. Expenditures are not affected.

Local Effect: Minimal increase in local revenues from monetary penalties imposed in circuit court cases. Expenditures are not affected.

Small Business Effect: None.

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. The court may consider as one crime the aggregate value of damage to each property resulting from one scheme or continuing course of conduct. 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: HB 738 of 2010, a similar bill, received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Governor’s Office of Crime Control and Prevention, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 9, 2011
ncs/kdm

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