

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 650

(Senator Ramirez, *et al.*)

Judicial Proceedings

Judiciary

Public Safety - Impersonating a Police Officer - WMATA Metro Transit Police

This bill includes members of the Washington Metropolitan Area Transit Authority (WMATA) Metro Transit Police under the definition of the term “police officer” applicable to prohibitions against impersonating a police officer and other related prohibitions.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the applicable current law penalty provision.

Local Effect: Potential minimal increase in local revenues and expenditures due to the applicable current law penalty provision.

Small Business Effect: None.

Analysis

Current Law/Background: A person may not, with fraudulent design on person or property, falsely represent themselves to be a police officer, special police officer, sheriff, deputy sheriff, or constable. With a certain exception, a person may not have, use, wear, or display a uniform, shield, button, ornament, badge, identification, or shoulder patch adopted by the Department of State Police to be worn by its members, insignia, or emblem of office, as is worn by a police officer, sheriff, deputy sheriff, or constable. In addition, a person may not, for the purpose of deception, have a simulation or imitation of such an insignia or emblem, or use, wear, or display such an article without the appropriate authority of specified State, local, or federal law enforcement entities.

A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for two years and/or a fine of \$2,000.

WMATA was created by interstate compact of the State of Maryland, the Commonwealth of Virginia, and the District of Columbia with the consent of the U.S. Congress. Maryland ratified the Washington Metropolitan Area Transit Regulation Compact in 1965 (Chapter 869 of 1965). WMATA was created to plan, finance, develop, and operate a balanced regional transportation system for the national capital area. WMATA also maintains a regular police force to protect patrons, personnel, and property.

The WMATA Board of Directors determines agency policy and provides oversight for the funding, operation, and expansion of transit facilities within the transit zone. The Metro Board of Directors is composed of eight voting and eight alternate directors. Maryland, the District of Columbia, Virginia, and the federal government appoint two voting and two alternate directors each.

The WMATA police force has a total authorized strength of 420 sworn police officers, 106 security special police, and 24 civilian personnel. Officers provide a variety of law enforcement and public safety services on the Metrorail and Metrobus systems in the Washington Metropolitan Area. These police officers have jurisdiction and arrest powers throughout the 1,500 square mile transit zone that includes Maryland, Virginia, and the District of Columbia for crimes that occur in or against Transit Authority facilities. It is the only tri-jurisdictional police agency in the country and serves a population of 3.2 million.

Chapter 167 of 2008 made sworn members of the WMATA police law enforcement officers under the Criminal Law Article applicable to provisions prohibiting assault against law enforcement officers. A law enforcement officer, in an official capacity, is legally authorized to make arrests.

A review of the Maryland Sentencing Guidelines database indicates there were four individuals sentenced for the covered offenses in Maryland's circuit courts in fiscal 2011.

State Revenues: General fund revenues increase minimally as a result of the applicable monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the applicable 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 impersonating a WMATA metro transit police officer 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 \$2,900 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 about \$385 per month. Excluding all medical care, the average variable costs total \$170 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. Prior to fiscal 2010, the State reimbursed counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. Currently, the State provides assistance to the counties for locally sentenced inmates and for inmates who are sentenced to and awaiting transfer to the State correctional system. A \$45 per diem grant is provided to each county for each day between 12 and 18 months that a sentenced inmate is confined in a local detention center. Counties also receive an additional \$45 per day grant for inmates who have been sentenced to the custody of the Division of Correction but are confined in a local facility. The State does not pay for pretrial detention time in a local correctional facility. Persons sentenced 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 increase minimally as a result of the applicable monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures increase minimally as a result of the applicable incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. A \$45 per diem State grant is provided to each county for each day between 12 and 18 months that a sentenced inmate is confined in a local detention center. Counties also receive an additional \$45 per day grant for inmates who have been sentenced to the custody of the Division of Correction but are confined in a local facility. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

Additional Information

Prior Introductions: None.

Cross File: HB 631 (Delegate Wilson, *et al.*) - Judiciary.

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

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