

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

House Bill 545

(Delegate Anderson)(By Request - Baltimore City
Administration) and Delegate Oaks

Judiciary

Judicial Proceedings

Crimes - Theft from a Motor Vehicle

This bill prohibits a person from being in or on the motor vehicle of another with the intent to commit theft of the motor vehicle or property that is in or on the motor vehicle. A violator is guilty of a misdemeanor breaking and entering a motor vehicle – rogue and vagabond, and on conviction is subject to imprisonment not exceeding three years.

Fiscal Summary

State Effect: Minimal increase in general fund expenditures if the bill results in individuals being convicted of a more serious offense and incarcerated for a longer period of time than they would be under current law. Revenues are not affected.

Local Effect: Minimal increase in local expenditures if the bill results in individuals being convicted of a more serious offense and incarcerated for a longer period of time than they would be under current law. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: A person is prohibited from possessing a burglar’s tool with the intent to use or allow the use of the burglar’s tool in the commission of a crime involving the breaking and entering of a motor vehicle. A person is also prohibited from being in or on the motor vehicle of another with the intent to commit theft of the motor vehicle or property that is in the motor vehicle. A person who violates these provisions is guilty of

a misdemeanor, must be considered a rogue and vagabond, and is subject to imprisonment for up to three years.

Background: In 2011, Baltimore City responded to 7,248 thefts from motor vehicles.

State Expenditures: General fund expenditures increase minimally as a result of the bill's expanded application of an existing incarceration penalty due to more people being committed to Division of Correction (DOC) facilities for longer periods of time and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime 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. 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 Expenditures: Expenditures increase minimally as a result of the bill's expanded application of an existing 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: SB 418 (Senator Jones-Rodwell)(By Request - Baltimore City Administration) - Judicial Proceedings.

Information Source(s): Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2012
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Analysis by: Amy A. Devadas

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