

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 202
Judiciary

(Delegate Stukes, *et al.*)

Criminal Law - Malicious Destruction of Property - Transit Vehicles

This bill imposes a mandatory minimum, nonsuspendable imprisonment sentence of 30 days on a person convicted of malicious destruction of property for damage done to a “transit vehicle.” A violator must also be ordered to pay restitution in accordance with existing specified provisions.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures as a result of the bill’s mandatory minimum incarceration provision applied to persons convicted of this offense in Baltimore City. Potential minimal increase in special fund revenues from restitution payments for damage to State transit vehicles.

Local Effect: Potential minimal increase in local detention facility costs as a result of the bill’s mandatory minimum incarceration provision. Potential minimal increase in local revenues from restitution payments for damage to local transit vehicles.

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 causing damage of at least \$500 to the property is guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a fine of \$2,500. A violator causing damage of less than \$500 to the property is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 60 days and/or a fine of \$500.

In addition to the penalties cited above, the court must order a person convicted of causing malicious destruction by an act of graffiti to pay restitution and/or perform community service.

The value of damage is based on the evidence and that value must be applied for the purpose of imposing penalties. If it cannot be determined from the evidence whether the value of the damage to the property is more or less than \$500, the value is deemed to be less than \$500. To determine a penalty, the court may consider the aggregate value of damage to each property resulting from one scheme or continuing course of conduct as one crime. If separate acts resulting in damage to the properties of one or more owners are set forth by separate counts in one or more charging documents, the separate counts may not be merged for sentencing.

Under § 7-101 of the Transportation Article, the term “transit vehicle” means a mobile device used in rendering “transit service,” which is defined as the transportation of persons and their packages and baggage and of newspapers, express, and mail in regular route, special, or charter service by means of transit facilities between points within the Metropolitan Transit District. That district consists of Baltimore City, Baltimore County, Anne Arundel County, and other areas so designated, as specified, subject to the provisions of the Washington Metropolitan Transit Authority Compact. The district may also include any area in which railroad service is performed under contract with the Maryland Transit Administration (MTA) or in which railroad facilities are owned by MTA. Transit service does not include any taxicab service, vanpool operation, or railroad service.

Background: Three transit organizations that operate in Maryland have sworn police officers: MTA, the Washington Metropolitan Area Transit Authority (WMATA), and Amtrak. None of the State’s 24 locally operated transit systems have police agencies. They rely on local police departments and to some extent the Maryland State Police for law enforcement on transit vehicles.

MTA police handle the majority of arrests on MTA transit vehicles. MTA has also signed memoranda of understanding with Baltimore City, Baltimore County, and Anne Arundel County providing for concurrent jurisdiction between the MTA police and the local police agencies in those jurisdictions.

MTA advises that courts order restitution in cases where graffiti was the cause of the damage.

Local Fiscal Effect: Frederick County advises that there has been one incident of vandalism to transit buses per year over the past three years.

Additional Information

Prior Introductions: HB 323 of 2008 received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Baltimore, Charles, Frederick, and Montgomery counties; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2013
mm/kdm

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