

Department of Legislative Services  
Maryland General Assembly  
2015 Session

**FISCAL AND POLICY NOTE**

Senate Bill 394

(Senator Raskin, *et al.*)

Judicial Proceedings

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**Criminal Law - Hazing**

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This bill establishes that the offense of hazing is committed by subjecting a student to the risk of serious bodily injury for a specified purpose, regardless of whether injury actually occurs. The bill also increases the maximum monetary penalty for hazing from \$500 to \$5,000. The bill retains the maximum incarceration penalty for hazing under existing statute (imprisonment for up to six months).

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**Fiscal Summary**

**State Effect:** Minimal increase in general fund revenues from fines imposed in the District Court. Minimal increase in general fund expenditures for incarcerations in Baltimore City if the bill's provisions increase the number of individuals convicted of hazing in Baltimore City.

**Local Effect:** Minimal increase in local revenues from fines imposed in circuit court cases. Minimal increase in local incarceration expenditures if the bill's provisions increase the number of individuals convicted of hazing.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Under the statutory prohibition on hazing, a person may not recklessly or intentionally do an act or create a situation that subjects a student to the risk of serious bodily injury for the purpose of an initiation into a student organization of a school, college, or university. Violators are guilty of a misdemeanor, punishable by imprisonment for up

to six months and/or a \$500 maximum fine. The implied or express consent of a student to hazing is not a defense.

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

**State Expenditures:** General fund expenditures increase minimally due to more people being committed to State correctional facilities for convictions in Baltimore City. The number of additional people convicted of hazing as a result of the bill is expected to be minimal.

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 Revenues:** Revenues increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

**Local Expenditures:** Expenditures increase 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. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

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### **Additional Information**

**Prior Introductions:** SB 806 of 2014, a similar bill, passed the Senate and was referred to the House Rules and Executive Nominations Committee. No further action was taken on the bill.

**Cross File:** HB 448 (Delegates K. Young and Reznik) - Judiciary.

**Information Source(s):** Baltimore City Community College, Maryland State Commission on Criminal Sentencing Policy, Maryland Higher Education Commission, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2015  
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