

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 437
Judiciary

(Delegates Hill and Krebs)

Judicial Proceedings

Criminal Law - False Statements - Public Safety Answering Points and Penalty

This bill expands application of § 9-501 of the Criminal Law Article (false statements to law enforcement officers) to a false statement, report, or complaint received by a public safety answering point (PSAP), as defined in § 1-301 of the Public Safety Article. Thus, the bill prohibits a person from making, or causing to be made, a statement, report, or complaint that the person knows to be false as a whole or in material part to a PSAP with the intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report, or complaint. By increasing the incarceration penalty under § 9-501 from six months to three years, the bill establishes that any violation of § 9-501 is a misdemeanor, punishable by imprisonment for up to three years and/or a fine of up to \$500.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Minimal increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: The State's 9-1-1 system operates primarily through PSAPs. A PSAP is a communications facility that (1) is operated on a 24-hour basis; (2) first receives 9-1-1 requests for emergency services in a 9-1-1 service area; and (3) as appropriate, dispatches

public safety services directly, transfers 9-1-1 requests for emergency services, or transmits incident data.

Under § 9-501 of the Criminal Law Article, a person may not make, or cause to be made, a statement, report, or complaint that the person knows to be false to a law enforcement officer with intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report, or complaint. A violator is guilty of a misdemeanor, punishable by imprisonment for up to six months and/or a \$500 maximum fine.

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

State Expenditures: General fund expenditures increase minimally due to the bill's expanded application and alteration of an existing incarceration penalty, resulting in more people being committed to State correctional facilities, people being committed for longer periods of time, and increased payments to counties for reimbursement of inmate costs. The number of people subject to the bill's incarceration penalty is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$4,700 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 a State correctional facility. The State provides assistance to the counties for locally sentenced inmates and for (1) inmates who are sentenced to and awaiting transfer to the State correctional system; (2) sentenced inmates confined in a local detention center between 12 and 18 months; and (3) inmates who have been sentenced to the custody of the State but are confined in or who receive reentry or other prerelease programming and services from a local facility.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. Persons sentenced in Baltimore City are generally incarcerated in State correctional facilities.

The State does not pay for pretrial detention time in a local correctional facility. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

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

Local Expenditures: Expenditures increase minimally as a result of the bill's incarceration penalty. While the bill's incarceration penalty may shift some individuals from local facilities to State facilities, this estimate assumes that the overall effect of the bill is a minimal increase in local incarceration expenditures.

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 \$90 to \$300 per inmate in recent years.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 57 (Senator Kagan) - Judicial Proceedings.

Information Source(s): Baltimore, Harford, and St. Mary's counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of Legislative Services

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