

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 57

(Senator Kagan)

Judicial Proceedings

**Criminal Law - Public Safety - Communications With Public Safety Answering
Points**

This bill establishes criminal prohibitions and penalties for engaging in certain activities that affect the operations of a “public safety answering point” (PSAP). In particular, the bill (1) prohibits a person from using telephone facilities, data files, or equipment to interfere with the functions of or disrupt a PSAP or emergency response, as specified, and (2) prohibits a person from making or causing to be made a false statement, report, or complaint to a PSAP with intent to deceive and to cause an investigation or other action to be taken in response.

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

Bill Summary/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.

Section 3-804 of the Criminal Law Article – Misuse of Telephone Facilities and Equipment

Under current law, a person may not use telephone facilities or equipment to make (1) an anonymous call that is reasonably expected to annoy, abuse, torment, harass, or embarrass another; (2) repeated calls with the intent to annoy, abuse, torment, harass, or embarrass another; or (3) a comment, request, suggestion, or proposal that is obscene, lewd, lascivious, filthy, or indecent. Violators are guilty of a misdemeanor, punishable by imprisonment for up to three years and/or a \$500 maximum fine.

The bill expands this offense by prohibiting a person from using telephone facilities, data files, or equipment to make a call or send data (1) to a PSAP, if the call or transmission of data *is reasonably expected* to impair the functioning of the PSAP or (2) to a PSAP or a public safety agency, *with the intent* to disrupt an emergency response. A violator is guilty of a felony, punishable by imprisonment for up to five years and/or a \$25,000 maximum fine.

Section 9-501 of the Criminal Law Article – False Statements to Law Enforcement Officers

Currently, 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.

The bill expands § 9-501 by prohibiting a person from making or causing to be made a statement, report, or complaint that the person knows to be false to a PSAP 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 and subject to the existing penalty of imprisonment for up to six months and/or a fine up to \$500.

The bill also prohibits a person from committing a prohibited act under § 9-501 (as amended by the bill) that results in law enforcement personnel being dispatched to respond to the statement, report, or complaint. A violator is guilty of a felony, punishable by imprisonment for up to three years and/or a \$5,000 maximum fine.

Under the bill, a person who commits a prohibited act under § 9-501 (as amended by the bill) that results in serious bodily injury to any person is guilty of a felony and subject to imprisonment for up to five years and/or a \$25,000 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 of an existing incarceration penalty and the incarceration penalties established under the bill, resulting in more people being committed to State correctional facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted under the bill 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.

The Office of the Public Defender (OPD) advises that the bill increases agency caseloads, which may require additional staff. However, OPD provided no information on the bill's anticipated effect on the agency's caseloads and noted that it cannot calculate the bill's impact on its expenditures. The Department of Legislative Services advises that the bill is unlikely to generate enough additional cases to warrant the hiring of additional OPD staff.

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

Local Expenditures: Expenditures increase minimally as a result of the bill's incarceration penalties and 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 \$90 to \$300 per inmate in recent years.

The Maryland State's Attorneys' Association advises that the bill has no fiscal or operational effect on prosecutors.

Additional Information

Prior Introductions: SB 101 of 2021, a similar bill, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. SB 837 of 2020 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, HB 1024, received a hearing in the House Judiciary Committee, but no further action was taken.

Designated Cross File: None.

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

Fiscal Note History: First Reader - January 18, 2022
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