

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1066
Judiciary

(Delegate Vogel, *et al.*)

Judicial Proceedings

**Hate Crimes - Commission on Hate Crime Response and Prevention -
Establishment**

This bill establishes the Commission on Hate Crime Response and Prevention (commission). The Office of the Attorney General (OAG) must staff the commission. Commission members may not receive compensation but are entitled to reimbursement for expenses under the standard State travel regulations. Beginning in fiscal 2025, the Governor must include funds in the annual State budget to implement the bill, including funds to (1) employ a full-time assistant Attorney General to staff the commission and (2) operate and maintain the office. **The bill takes effect June 1, 2023.**

Fiscal Summary

State Effect: Federal fund expenditures for OAG increase by \$114,400 in FY 2024 for a contractual assistant Attorney General to staff the commission. General fund expenditures for OAG increase by \$136,300 in FY 2025 for a permanent assistant Attorney General to staff the commission beginning in FY 2025. Future year expenditures reflect inflation and annualization. Revenues are not affected. **This bill establishes a mandated appropriation beginning in FY 2025.**

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	136,300	142,400	148,600	156,400
FF Expenditure	114,400	0	0	0	0
Net Effect	(\$114,400)	(\$136,300)	(\$142,400)	(\$148,600)	(\$156,400)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not expected to materially affect local finances and operations.

Small Business Effect: None.

Analysis

Bill Summary: Commission members are appointed by the Attorney General, and the Attorney General or the Attorney General's designee is the chair of the commission.

The commission must (1) develop strategies to prevent and respond to hate crime activity and (2) evaluate State laws and policies relating to hate crimes.

On or before December 1 each year, beginning in 2024, the commission must report to (1) the State Department of Education on policy recommendations to address hate crimes that occur in schools and (2) the General Assembly on legislative recommendations to address hate crimes in the State.

Current Law: The State's hate crimes statutes are contained in Title 10, Subtitle 3 of the Criminal Law Article, specifically §§ 10-302 (damaging property of a religious entity), 10-303 (obstructing exercise of religious beliefs), 10-304 (harassment or destruction of property), 10-305 (damage to an associated building), and 10-305.1 (prohibition on use of item or symbol to threaten or intimidate).

State Expenditures: Federal fund expenditures for OAG increase by \$114,356 in fiscal 2024, which reflects the cost of hiring one contractual assistant Attorney General to staff the commission in fiscal 2024 (beginning July 1, 2023) using federal grant funds. This estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. The bill's mandated appropriation does not commence until fiscal 2025. OAG does not anticipate that federal grant funds will be available for the position beyond fiscal 2024 and plans to convert the position to a regular State employee (paid for with general funds) beginning in fiscal 2025 when the mandated appropriation commences. This analysis assumes that despite the bill's June 1, 2023 effective date, OAG does not incur expenses in fiscal 2023.

Contractual Position	1.0
Salaries and Fringe Benefits	\$106,682
Operating Expenses	<u>\$7,674</u>
FY 2024 OAG Expenditures	\$114,356

Future year expenditures reflect conversion of the position to a regular State employee position paid for with general funds, full salaries with annual increases and employee turnover, as well as annual increases in ongoing operating expenses.

This contractual position estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

The bill refers to funding for the operation and maintenance of “the office.” However, the bill does not establish an office and does not otherwise refer to an office other than OAG. Therefore, this analysis does not address any operational expenses related to an office other than standard expenses associated with the position discussed above.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Department of Budget and Management; Office of the Attorney General; Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2023
km/aad Third Reader - April 5, 2023

Analysis by: Brandon M. Stouffer

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