

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 978 (Delegates Ciliberti and Miller)
 Judiciary

Criminal Law - Threat Against State or Local Official - First Responder

This bill adds a “first responder” to the list of individuals against whom it is illegal to make specified types of threats under § 3-708 of the Criminal Law Article (threat against a State or local official). A violator is guilty of a misdemeanor and subject to the existing penalty of imprisonment for up to three years and/or a \$2,500 maximum fine.

Fiscal Summary

State Effect: Depending on actual caseloads experienced under the bill, general fund expenditures for the Office of the Public Defender (OPD) increase by *as much as* \$223,800 in FY 2024, as discussed below. Future year expenditures reflect inflation and annualization. Minimal increase in general fund revenues and expenditures due to the bill’s expanded application of existing penalty provisions.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
GF Revenue	-	-	-	-	-
GF Expenditure	\$223,800	\$272,700	\$284,800	\$297,300	\$312,800
Net Effect	(\$223,800)	(\$272,700)	(\$284,800)	(\$297,300)	(\$312,800)

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

Local Effect: Minimal increase in revenues and expenditures due to the bill’s expanded application of existing penalty provisions.

Small Business Effect: None.

Analysis

Bill Summary: A “first responder” is (1) a firefighter; (2) an emergency medical technician; (3) a paramedic; (4) a rescue squad member; and (5) a nurse or a doctor who provides emergency services.

Current Law: A person may not knowingly and willfully make a threat to take the life of, kidnap, or cause physical injury to a State official, a local official, a deputy State’s Attorney, an assistant State’s Attorney, or an assistant public defender. A person may not knowingly send, deliver, part with, or make for the purpose of sending or delivering a prohibited threat. A violator is guilty of a misdemeanor, punishable by imprisonment for up to three years and/or a \$2,500 maximum fine.

“Threat” includes (1) an oral threat or (2) a threat in any written form, whether or not the writing is signed, or if the writing is signed, whether or not it is signed with a fictitious name or any other mark. “Local official” means an individual serving in a publicly elected office of a local government unit.

“State official” means a:

- constitutional officer or officer-elect in an executive unit;
- member or member-elect of the General Assembly;
- judge or judge-elect;
- judicial appointee;
- State’s Attorney;
- clerk of the circuit court;
- register of wills; or
- sheriff.

The Governor, Governor-elect, Lieutenant Governor, and Lieutenant Governor-elect are specifically included as State officials under this prohibition.

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:

Office of the Public Defender

General fund expenditures increase by *as much as* \$223,759 in fiscal 2024, which accounts for the bill's October 1, 2023 effective date. This estimate reflects the cost of hiring two assistant public defenders to address increase caseloads and workloads for OPD due to the bill's expanded application of an existing criminal offense. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

OPD advises that it does not have data on projected caseloads due to a lack of comparable existing charges. However, the office further advises because the bill extends application of an existing offense to a new group of individuals, the bill likely increases OPD caseloads.

The Department of Legislative Services (DLS) acknowledges that the first responders to whom the bill applies likely represent a significant number of individuals, many of whom face hostile situations on a regular basis. However, the exact impact of the bill on OPD caseloads/workloads and the corresponding need for additional personnel cannot be readily determined at this time. Given the circumstances under which first responders work, threats that meet the statutory requirements are a possibility. However, not all qualifying threats may result in criminal charges, and cases involving threats to first responders may involve additional criminal charges that require OPD representation currently. Thus, DLS advises that this estimate *represents a maximum need* for OPD personnel; to the extent experienced caseloads/workloads are less than anticipated, expenditures are less.

Positions	2.0
Salaries and Fringe Benefits	\$208,941
Operating Expenses	<u>\$14,818</u>
Total FY 2024 State Expenditures	\$223,759

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

Department of Public Safety and Correctional Services

General fund expenditures for the Department of Public Safety and Correctional Services increase minimally as a result of the bill's expanded application of an existing incarceration penalty due to more people being committed to State correctional facilities. 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 \$4,970 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.

The State does not pay for pretrial detention time in a local correctional facility. Persons sentenced in Baltimore City are generally incarcerated in State correctional facilities. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues increase minimally from fines imposed in circuit court cases.

Local Expenditures: Expenditures increase minimally 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 \$90 to \$300 per inmate in recent years.

Additional Comments: In 2018, the Occupational Safety and Health Administration noted that approximately 75% of the 25,000 workplace assaults reported annually occur in health care and social service settings. Chapter 519 of 2022 required the Secretary of Health to establish a Prevent Workplace Violence in Health Care Settings Public Awareness Campaign Workgroup. According to the workgroup's report, while workplace violence can occur in a variety of healthcare settings, "...it is particularly prevalent in emergency departments and hospital inpatient settings."

Additional Information

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

Designated Cross File: SB 568 (Senator Folden, *et al.*) - Judicial Proceedings.

Information Source(s): Kent, Montgomery, and Worcester counties; Maryland State Commission on Criminal Sentencing Policy; Maryland Institute for Emergency Medical Services Systems; Maryland Department of Health; Judiciary (Administrative Office of the Courts); Maryland Municipal League; Office of the Public Defender; Department of Public Safety and Correctional Services; Maryland State’s Attorneys’ Association; Department of Legislative Services

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