

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 76

(Senator Forehand)

Judicial Proceedings

Crimes - Making a Terroristic Threat

This emergency bill provides that if a threat creates a reasonable expectation or fear of the imminent commission of the threatened offense, a person may not threaten to commit a felony or crime of violence with intent to: (1) intimidate or coerce a civilian population; (2) influence the activities of a unit of government through intimidation or coercion; or (3) influence the activities of a unit of government through murder of any degree or kidnapping. A violator is guilty of a felony and subject to maximum penalties of imprisonment for ten years and/or a fine of \$10,000.

The bill also provides that it is not a defense to a charge under these provisions, that the defendant did not have the intent or ability to commit the felony or crime of violence.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's incarceration penalty provision. Revenues would not be affected.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's monetary penalty provision. Expenditures would not be affected.

Small Business Effect: None.

Analysis

Current Law: A person may not make, or cause to be made, a statement, report, or complaint that the person knows to be false as a whole or in material part, to a State or

local 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 and subject to maximum penalties of imprisonment for six months and/or a fine of \$500.

A person who is arrested by a State or local law enforcement officer may not knowingly, and with intent to deceive, make a false statement to a law enforcement officer concerning the person's identity, address, or date of birth. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for six months and/or a fine of \$500.

A person may not make, or cause to be made, a statement or report that the person knows to be false as a whole or in material part to an official or unit of the State or of a political subdivision of the State, that a crime has been committed or that a condition imminently dangerous to public safety or health exists, with the intent that the official or unit investigate, consider, or take action in connection with that statement or report. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for six months and/or a fine of \$500.

A person may not circulate or transmit to another, with intent that it be acted on, a statement or rumor that the person knows to be false about the location or possible detonation of a destructive device or the location or possible release of toxic material. A violator is guilty of a felony and subject to maximum penalties of imprisonment for ten years and/or a fine of \$10,000. In addition to the penalty provided under this provision, a court may order a person convicted or found to have committed a delinquent act under this section to pay restitution to: (1) the State, county, municipal corporation, bicounty unit, or special taxing district for actual costs reasonably incurred due to the response to a location and search for a destructive device caused by the false statement or rumor of a destructive device; and (2) the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property in response to the false statement or rumor of a destructive device.

In addition, a person is prohibited from knowingly and willfully making a threat to take the life of, kidnap, or inflict bodily harm upon a State or local official. State and local government employees are not covered under this prohibition. Violators are guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a fine of \$2,500.

Background: This bill is in response to general and specific concerns that have arisen relating to threats of terrorism since September 11, 2001.

Vulnerability to terrorism has sparked interest in eliminating potential gaps in criminal codes nationwide. Generally, efforts have centered on creating specific statutory crimes for terrorist acts and providing appropriate penalties for making false threats or creating fear.

New York enacted a law that provides criminal penalties for committing terrorism, soliciting or providing support for an act of terrorism, making terrorist threats, and hindering prosecution of terrorism. Michigan enacted a law that provides penalties for knowingly committing an act that causes another individual to believe he or she has been exposed to a harmful biological substance or device, chemical substance, or radioactive material or device. A North Carolina bill would specifically criminalize the manufacture, possession, storage, transportation, delivery, or acquisition of certain weapons of mass destruction.

Other measures focusing on terrorism have been introduced in Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Utah. They attempt to criminalize different acts that pertain to terrorism or increase penalties for existing laws.

An Administration bill (SB 639/HB 1036), the Maryland Security Protection Act of 2002, addresses terrorist threats in a similar manner to this bill. The Administration measure prohibits, as a felony and violent crime, knowingly threatening to commit an act of terrorism. Violators are subject to the same penalties as under this bill.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,850 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$300 per month.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provision, since these cases would be heard in the circuit courts.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services
(Division of Correction), Department of Legislative Services

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Analysis by: Guy G. Cherry

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510