

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

House Bill 324 (Delegate Petzold. *et al.*)

Judiciary

Crimes - Harboring a Fugitive

This bill modifies the definition of "fugitive," as it pertains to crimes relating to harboring a fugitive, to apply to individuals for whose arrest a felony warrant has been issued, whether or not the warrant is issued under State law.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to applicable penalty provisions.

Local Effect: Potential minimal increase in expenditures due to applicable incarceration penalty provisions. Revenues would not be affected.

Small Business Effect: None.

Analysis

Current Law: "Fugitive" means any individual for whom a felony arrest warrant has been issued under Maryland law. The crime of harboring a fugitive is a misdemeanor and subjects violators to maximum penalties of a fine of \$1,000 and/or imprisonment for one year. Knowingly harboring a fugitive who is avoiding prosecution, custody, or confinement after conviction of a felony is a related misdemeanor offense, with the same penalties attached.

Background: This bill is modeled after the definition of fugitive under Texas law which includes persons avoiding an arrest warrant, even if it was issued by another state. However, Texas law also makes specific reference to a "valid" arrest warrant. Maryland law does not

include under the definition of fugitive persons issued a warrant by a jurisdiction outside of the State. Presumably, the change in the definition of fugitive provided by this bill would include felony warrants from any other state, the federal government, or any other country.

State Revenues: Misdemeanor cases are generally heard in the District Court. Accordingly, general fund revenues could increase minimally as a result of applicable monetary penalty provisions from cases heard in the District Court.

State Expenditures: Since it is assumed that this bill would subject more persons to charges involving harboring a fugitive, general fund expenditures could increase minimally as a result of applicable incarceration penalties due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2001 are estimated to range from \$11 to \$54 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC average total cost per inmate, including overhead, is estimated at \$1,700 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$260 per month.

Local Expenditures: Expenditures could increase as a result of applicable incarceration penalties. Counties pay the full cost of incarceration for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$22 to \$83 per inmate in fiscal 2001.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Office of the Public Defender, Office of State's Attorneys' Coordinator, Department of Legislative Services

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