

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**Third Reader**

House Bill 906  
Judiciary

(Delegate Malone, *et al.*)

Judicial Proceedings

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**Criminal Law - Crime of Violence - Home Invasion**

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This bill adds felony home invasion under § 6-202(b) of the Criminal Law Article to the definition of “crime of violence” under § 14-101 of the Criminal Law Article.

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**Fiscal Summary**

**State Effect:** Potential significant increase in general fund expenditures for the Department of Public Safety and Correctional Services (DPSCS), depending on the cumulative effect of the bill. Any such effect does not occur until well into the future. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Prior to October 1, 2014, a person who broke and entered the dwelling of another with the intent to commit theft or a crime of violence (as defined under § 14-101 of the Criminal Law Article) was guilty of burglary in the first degree, a felony punishable by imprisonment for up to 20 years.

Chapter 238 of 2014 established the crime of felony home invasion under the burglary in the first degree statute. Pursuant to Chapter 238, a person who breaks and enters the dwelling of another with the intent to commit a crime of violence is guilty of felony home invasion and subject to imprisonment for up to 25 years. Chapter 238 retained the

application of the maximum penalty for first-degree burglary (imprisonment for 20 years) to individuals who break and enter the dwelling of another with the intent to commit a theft.

Section 14-101(a) of the Criminal Law Article specifies offenses classified as crimes of violence. Sections 14-101(b) through (d) impose mandatory sentences for individuals who have prior convictions for these offenses and meet other specified criteria.

Section 14-101(a) defines a “crime of violence” as (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking (including armed carjacking); (11) first- and second-degree sexual offenses; (12) use of a handgun in the commission of a felony or other crime of violence; (13) child abuse in the first degree; (14) sexual abuse of a minor younger than age 13 under specified circumstances; (15) an attempt to commit crimes (1) through (14); (16) continuing course of conduct with a child; (17) assault in the first degree; or (18) assault with intent to murder, rape, rob, or commit a sexual offense in the first or second degree.

Individuals convicted of a crime of violence under § 14-101 of the Criminal Law Article are eligible for various additional criminal penalties and earn diminution credits at a lower rate than other offenders.

**Background:** According to the Maryland Sentencing Guidelines Database, the Maryland State Commission on Criminal Sentencing Policy received information for 29 individuals sentenced in the State’s circuit courts for felony home invasion during fiscal 2016.

**State Expenditures:** Depending on the cumulative impact of the bill, general fund expenditures for DPSCS may increase significantly. However, any such impact does not occur until well into the future. As previously noted, individuals convicted of a crime of violence under § 14-101 of the Criminal Law Article are eligible for various additional criminal penalties and earn diminution credits at a lower rate than other offenders. While there were 29 individuals sentenced in the State’s circuit courts for home invasion during fiscal 2016, the cumulative fiscal impact of reduced diminution credits and additional penalties may be significant. The extent of the bill’s impact depends on (1) the annual cohort of individuals sentenced to State correctional facilities for home invasion; (2) the length of sentences imposed for felony home invasion; and (3) recidivism among individuals convicted of home invasion.

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 \$3,600 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 State

inmate (including variable health care costs) is about \$800 per month. Excluding all health care, the average variable costs total \$210 per month.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2017  
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