

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 956

(Senator Watson)

Judicial Proceedings

Judiciary

Criminal Law - Threats to Public Officials

This bill adds the chief health officer for a county to the definition of a “local official” against whom it is illegal to make specified types of threats. 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. **The bill takes effect June 1, 2022.**

Fiscal Summary

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

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

Small Business Effect: None.

Analysis

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: General fund expenditures 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 \$4,700 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 as a result of the bill's expanded application of an existing monetary penalty from cases heard in the circuit courts.

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 Information

Prior Introductions: None.

Designated Cross File: HB 1409 (Delegate Kerr) - Rules and Executive Nominations.

Information Source(s): Harford and Montgomery counties; Maryland Municipal League; Maryland Association of County Health Officers; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland Department of Health; Department of Public Safety and Correctional Services; Maryland State Board of Elections; Department of Legislative Services

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