

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 363

(Delegate Anderson, *et al.*) (By Request - Baltimore City Administration)

Judiciary

Crimes - Law Enforcement Officer - Misconduct In Office

This bill prohibits a law enforcement officer, while acting in the course of the officer's official duties, from committing a misdemeanor or felony that carries a maximum penalty of imprisonment of more than one year. A violator is guilty of the felony of misconduct in office, and subject to a maximum penalty of 10 years imprisonment. A sentence for this offense must be consecutive to and not concurrent with any other sentence imposed for any crime based on the act establishing the violation.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's penalty provisions. The bill is not otherwise anticipated to materially impact State law enforcement expenditures, as discussed below. Revenues are not affected.

Local Effect: The bill is not anticipated to materially impact local incarceration costs or law enforcement expenditures, as discussed below.

Small Business Effect: None.

Analysis

Current Law/Background: The definition of "law enforcement officer" in this bill aligns with that used in statutory provisions relating to the Law Enforcement Officers' Bill of Rights (LEOBR). LEOBR was enacted in 1974 to guarantee police officers specified procedural safeguards in any investigation that could lead to disciplinary action. It extends to police officers of specified State and local agencies. The investigation or interrogation

by a law enforcement agency of a law enforcement officer for a reason that may lead to disciplinary action, demotion, or dismissal must be conducted in accordance with LEOBR. Pursuant to LEOBR, only if a law enforcement officer is charged with a felony, may the Chief of the law enforcement agency impose an emergency suspension of police powers without pay.

The number of law enforcement officers convicted of a felony or a misdemeanor in a year, statewide, is not tracked by the Maryland State Commission on Criminal Sentencing Policy or the annual Uniform Crime Reports compiled by the Department of State Police.

State/Local Fiscal Effect: Potential minimal increase in general fund expenditures as a result of the bill's incarceration penalty to the extent that law enforcement officers are committed to State correctional facilities for longer periods of time.

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 \$3,100 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 \$770 per month. Excluding all health care, the average variable costs total \$200 per month.

Because the bill establishes a maximum penalty of ten years, which must be served consecutive to any sentence for the underlying crime which resulted in the violation, it is anticipated that local correctional expenditures are not materially impacted, as individuals convicted under the bill's provisions are likely incarcerated in State correctional facilities.

Because the crime established by this bill is a felony, the bill's provisions may result in additional cases under which a law enforcement officer may be suspended without pay. However, any such impact is not anticipated to materially impact State or local law enforcement expenditures.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Department of State Police, Office of the Public Defender, State's Attorneys' Association, *The Baltimore Sun*, Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2015
md/kdm

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510