

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 82

(Senator Watson, *et al.*)

Judicial Proceedings

Judiciary

**Criminal Law - Counterfeiting and Possession of Counterfeit Lease of Real
Property - Penalty**

This bill adds leases of real property and rental agreements relating to real property to the list of documents subject to the prohibitions and penalties under § 8-601 of the Criminal Law Article (counterfeiting of private instruments and documents).

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill's expanded application of existing penalty provisions, as discussed below. The bill is not expected to materially affect expenditures for the Office of the Public Defender (OPD) and the Judiciary, as discussed below.

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

Small Business Effect: Minimal.

Analysis

Current Law: Section 8-601 of the Criminal Law Article prohibits a person from engaging in specified counterfeit-related activities involving specified types of documents.

Prohibitions and Penalties Under § 8-601 of the Criminal Law Article

Under current law, a person, with intent to defraud another, may not counterfeit, cause to be counterfeited, or willingly aid or assist in counterfeiting any of the types of documents

listed below. Violators are guilty of a felony, punishable by imprisonment for up to 10 years and/or a \$1,000 maximum fine.

A person is also prohibited from knowingly, willfully, and with fraudulent intent possessing a counterfeit of any of the types of documents listed below. Violators are guilty of a misdemeanor, punishable by imprisonment for up to three years and/or a \$1,000 maximum fine.

A prosecution for an alleged violation of these prohibitions or an alleged violation of a crime based on an act that establishes a violation of these prohibitions may be commenced in any county in which (1) an element of the crime occurred; (2) the deed or other alleged counterfeit instrument is recorded in the county land records, filed with the clerk of the circuit court, or filed with the register of wills; (3) the victim resides; or (4) if the victim is not an individual, the victim conducts business.

Types of Documents Subject to Provisions of § 8-601 of the Criminal Law Article

The prohibitions described above apply to the following types of documents:

- bonds;
- checks;
- deeds;
- drafts;
- endorsements or assignments of a bond, draft, check, or promissory note;
- entries in an account book or ledger;
- letters of credit;
- negotiable instruments;
- powers of attorney;
- promissory notes;
- releases or discharges for money or property;
- titles to a motor vehicle;
- waivers or releases of mechanics' lien; or
- wills or codicils.

State Revenues: General fund revenues increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court.

State Expenditures:

Incarceration Costs

General fund expenditures increase minimally as a result of the bill's incarceration penalties due to more people being committed to State correctional facilities and increased payments to counties for reimbursement of costs for incarcerated individuals. The number of people convicted of this proposed crime 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 incarcerated individual, including overhead, is estimated at \$5,838 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 incarcerated individuals and for (1) incarcerated individuals who are sentenced to and awaiting transfer to the State correctional system; (2) sentenced incarcerated individuals confined in a local detention center between 12 and 18 months; and (3) incarcerated individuals 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.

Office of the Public Defender

OPD advises that the bill may result in an increase caseload for public defenders across the State, requiring the equivalent of one attorney. The Department of Legislative Services (DLS) advises that additional staffing needs for OPD cannot be reliably determined absent actual experience under the bill. Regardless, DLS assumes that initial caseloads are insufficient to justify immediate additional staffing. To the extent OPD's case volume increases meaningfully as a direct result of the bill, OPD can request additional resources through the annual budget process.

Judiciary

The Judiciary advises that it does not anticipate a significant fiscal or operational impact from the bill.

Local Revenues: Revenues increase minimally as a result of the bill's monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures increase minimally as a result of the bill's incarceration penalties. 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 \$140 to \$350 per incarcerated individual in recent years.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 765 (Delegate Griffith, *et al.*) - Judiciary.

Information Source(s): Baltimore City; Howard and Prince George's counties; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - January 23, 2026
jg/aad Third Reader - March 18, 2026
Revised - Amendment(s) - March 18, 2026

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