

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 439
Judiciary

(Delegate Hecht, *et al.*)

Inmates - Eligibility for Diminution Credits - Child Abuse

This bill prohibits an inmate convicted of child abuse from being awarded any category of diminution credits.

The bill takes effect January 1, 2002.

Fiscal Summary

State Effect: Potentially significant general fund expenditure increases beginning in FY 2005. Revenues would not be affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: "Abuse of a child" means: (1) the sustaining of a serious injury by a child under the age of 18 years as a result of cruel or inhumane treatment or as a result of a malicious act by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or threatened; or (2) the sexual abuse of a child, whether physical injuries are sustained or not. Child abuse is a felony and subjects violators to a maximum incarceration of 15 years.

An inmate shall be allowed a deduction in advance from the inmate's term of confinement. For inmates whose terms of confinement include consecutive or concurrent sentences for a crime of violence or a crime involving a controlled dangerous substance as defined in the law, the deduction in the sentence is calculated at five days per calendar month. For all other inmates the deduction is calculated at ten days per calendar month.

State Expenditures: In fiscal 2000, the Division of Correction (DOC) received 69 offenders convicted of child abuse. Their average sentence was 66 months. Under this bill, persons convicted of child abuse, unless released on parole, would have to serve 100% of their sentence. Accordingly, general fund expenditures could increase significantly due to persons convicted of child abuse offenses being incarcerated in DOC facilities for longer periods of time.

Persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the 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. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$288 per month. *For illustrative purposes*, under the bill's provisions, the average time served by an inmate convicted of nonviolent child abuse earning diminution credits at a rate of ten days per month would increase by four months (120 days) per year, and by 22 months during the term of incarceration. Assuming the medical and variable inmate costs of \$288 per month, State costs could increase by \$6,336 for each person imprisoned under the bill.

Assuming that the 2000 intake is typical, and assuming that 25% of each year's intakes may receive parole within five years, 52 offenders per year would be subject to additional incarceration time under the provisions of this bill. However, the population of child abusers would not begin to grow until fiscal 2005, and would level off within 24 months. Additional annual costs for such inmates would increase by \$329,500 in fiscal 2005, and by \$658,900 in fiscal 2006 and beyond.

Additional Information

Prior Introductions: The same bill was introduced as HB 715 in 1999. It received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Department of Legislative Services

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