

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1293
Judiciary

(Delegate Dumais)

Criminal Law - Child Kidnapping and Prostitution - Penalty

This bill reclassifies the abduction of a child under age 16 for purposes of prostitution or committing a sexual crime from a misdemeanor to a felony and increases the maximum incarceration penalty from 10 to 20 years.

Fiscal Summary

State Effect: Minimal increase in general fund expenditures due to the bill's expanded incarceration penalty. Revenues are not affected.

Local Effect: None. The bill is not expected to materially affect circuit court caseloads or local finances.

Small Business Effect: None.

Analysis

Current Law: A person is prohibited from committing the following acts for purposes of prostitution or committing a sexual crime: (1) persuading or enticing or aiding in the persuasion or enticement of an individual under the age of 16 years from the individual's home or from the custody of the individual's parent or guardian; or (2) knowingly secreting or harboring or aiding in the secreting or harboring of an individual under the age of 16 years who has been persuaded or enticed away from home or away from the custody of a parent or guardian.

Violators are guilty of a misdemeanor and subject to imprisonment for up to 10 years and/or a maximum fine of \$5,000.

Background: According to the Maryland Sentencing Guidelines database, there have been no convictions in the circuit courts for this offense since it was placed into the Criminal Law Article in 2002.

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalty due to people being committed to Division of Correction (DOC) facilities for longer periods of time. The number of people affected by the bill is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$2,900 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 variable medical care and variable operating costs) is about \$385 per month. Excluding all medical care, the average variable costs total \$170 per month.

Changing crimes from misdemeanors to felonies means that (1) such cases are likely to be filed in the circuit courts rather than the District Court; and (2) some persons may eventually serve longer incarcerations due to enhanced penalty provisions, applicable to some offenses for prior felony convictions. Accordingly, it is assumed that this bill shifts an unknown number of cases from the District Court to the circuit courts. It is not known whether such a prospective shift may spur more plea bargains and affect actual sentencing practices for this offense.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Commission on Criminal Sentencing Policy, Office of the Public Defender, Department of Public Safety and Correctional Services, State's Attorneys' Association, Department of Legislative Services

Fiscal Note History: First Reader - March 9, 2012
ncs/kdm

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