

Department of Legislative Services  
Maryland General Assembly  
2015 Session

**FISCAL AND POLICY NOTE**

Senate Bill 411 (Senator Gladden)  
Judicial Proceedings

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**Crimes - Elder Abuse or Neglect - Increased Penalties**

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This bill increases the penalty for felony abuse or neglect of a vulnerable adult, from imprisonment for up to 10 years and/or a \$10,000 maximum fine, to imprisonment for up to 20 years and/or a \$20,000 maximum fine. The bill also increases the penalty for misdemeanor abuse or neglect of a vulnerable adult, from imprisonment for up to 5 years and/or a \$5,000 maximum fine, to imprisonment for up to 10 years and/or a \$10,000 maximum fine.

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**Fiscal Summary**

**State Effect:** Minimal increase in general fund revenues from District Court cases due to the bill's enhanced monetary penalty provisions. Minimal increase in general fund expenditures due to the bill's enhanced incarceration penalty provisions.

**Local Effect:** Minimal increase in local revenues due to the bill's enhanced penalty provisions. Expenditures are not affected.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult may not cause abuse or neglect of the vulnerable adult that results in death, causes serious physical injury, or involves sexual abuse. The same prohibition applies to a household member or family member.

A violator is guilty of the felony of abuse or neglect of a vulnerable adult in the first degree and subject to maximum penalties of 10 years imprisonment and/or a fine of \$10,000. A sentence imposed under this section must be in addition to any other sentence imposed for a conviction arising from the same facts and circumstances unless the evidence required to prove each crime is substantially identical.

Under the second degree prohibition, a caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult may not cause abuse or neglect of the vulnerable adult. A household member or family member may not cause abuse or neglect of a vulnerable adult. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a \$5,000 fine. A sentence imposed under this section must be in addition to any other sentence imposed for a conviction arising from the same facts and circumstances unless the evidence required to prove each crime is substantially identical. The second degree prohibition does not apply to sexual abuse of a vulnerable adult.

**Background:** The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) reports that, in fiscal 2014, there were four individuals sentenced in the State's circuit courts for first degree abuse or neglect of a vulnerable adult. The sentences for these individuals ranged from 96 months to 120 months, including suspended time (30 months to 96 months excluding suspended time).

According to MSCCSP, seven individuals were sentenced for convictions for second degree abuse or neglect of a vulnerable adult in the State's circuit courts. Six of these individuals received sentences, with three of these individuals receiving fully suspended sentences. The sentences for these six individuals (including suspended time) ranged from approximately 0 months (fully suspended sentence) to 60 months. The range of postsentence incarceration (*i.e.*, incarceration after accounting for time served before sentencing and suspended time) for this group ranged from 0 months to 14.23 months.

According to the Judiciary, there were 59 violations of second degree abuse or neglect of a vulnerable adult presented to the District Court in fiscal 2014, resulting in two convictions. The sentences for those convictions were 180 days and 18 months.

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

**State Expenditures:** General fund expenditures increase minimally as a result of the bill's enhanced incarceration penalties due to more people being committed to State correctional facilities for longer periods of time. The number of people convicted of the applicable crimes 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 \$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.

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

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### **Additional Information**

**Prior Introductions:** HB 375 of 2014 received an unfavorable report from the House Judiciary Committee. Its cross file, SB 177, received an unfavorable report from the Senate Judicial Proceeding Committee. HB 1260 of 2013 was withdrawn after being scheduled for a hearing in the House Judiciary Committee.

**Cross File:** HB 20 (Delegate Glenn) - Judiciary.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2015  
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