

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 504

(Senator Pugh, *et al.*)

Judicial Proceedings

Criminal Law - Sexual Offenses - Threatening to Withhold Governmental Services

This bill prohibits a State official, a local official, or a person who is employed by or under contract with the State or a local government unit from inducing or attempting to induce another person to engage in vaginal intercourse or a sexual act by threatening to withhold governmental services to which the other person is entitled. A violator is guilty of a felony, punishable by imprisonment for up to 10 years. A person convicted of committing this offense or conspiring or attempting to commit this offense is a Tier I sex offender.

Fiscal Summary

State Effect: Minimal increase in general fund expenditures due to the bill's incarceration penalty. Enforcement can be handled with existing resources. Revenues are not affected.

Local Effect: None. Enforcement can be handled with existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Title 3, Subtitle 3 of the Criminal Law Article contains statutory provisions pertaining to several sexual crimes, ranging from rape in the first degree to sexual offense in the fourth degree.

Generally, a person convicted of a sex crime or other specified crime in Maryland is required to register with the State sex offender registry upon release from prison or release

from court if the person did not receive a prison sentence. Offenders who are required to register in other states and who come to Maryland are required to register upon entering Maryland. Offenders from other states who may not be required to register in the home state are required to register in Maryland if the crime would have required registration in Maryland if committed in Maryland.

Sexual offenders are sorted into three separate tiers. A Tier I sex offender must register in person with a local law enforcement unit every six months for 15 years.

Background: In January 2016, Baltimore City reached an \$8 million settlement with a group of public housing tenants who alleged that they were sexually harassed by maintenance workers who demanded sexual favors in return for making repairs to their residences. According to the class action lawsuit, the plaintiffs were exposed to hazardous living conditions when the workers failed to make repairs after the women refused to comply with their demands.

According to news reports, the Baltimore City Housing Authority fired all of the workers involved.

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalty due to more people being committed to State correctional facilities. 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 inmate, including overhead, is estimated at \$3,300 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.

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. Prior to fiscal 2010, the State reimbursed counties for part of their incarceration costs, on a per diem basis, after a person had served 90 days. Currently, the State provides assistance to the counties for locally sentenced inmates and for inmates who are sentenced to and awaiting transfer to the State correctional system. A \$45 per diem grant is provided to each county for each day between 12 and 18 months that a sentenced inmate is confined in a local detention center. Counties also receive an additional \$45 per day grant for inmates who have been sentenced to the custody of the State but are confined in 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.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, cities of Bowie and Takoma Park, Maryland Association of Counties, Maryland Municipal League, Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), State's Attorneys' Association, Department of Budget and Management, Department of Housing and Community Development, Department of Public Safety and Correctional Services, Department of State Police, *The Baltimore Sun*, Department of Legislative Services

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