

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 476 (Delegate T. Murphy)
Judiciary

Prostitution - Penalty

This bill reduces the incarceration penalty for persons convicted of prostitution from not more than one year to not more than 90 days.

Fiscal Summary

State Effect: Potential indeterminate decrease in general fund expenditures. Revenues would not be affected.

Local Effect: Potential minimal decrease in revenues and expenditures due to the bill's penalty provision.

Fiscal Analysis

State Expenditures: Offenders sentenced to one year or less are usually sentenced to a local detention center. Baltimore City has the largest percentage of arrests for prostitution. The State operates the Baltimore City Detention Center. In fiscal 1994 there were 31 persons sentenced to the Baltimore City Detention Center for prostitution with an average sentence of nine months. It will cost an estimated \$1,333 in fiscal 1997 to keep an inmate in the Baltimore City Detention Center for one month. As a result of this bill, the average sentence for prostitution would be reduced.

Inmates eligible for parole serve an average of 50% of their sentence. Under current law an inmate sentenced to the maximum incarceration penalty of one year would be released after serving an average of six months. This bill reduces the maximum incarceration penalty to 90 days. Under this bill, an average inmate would be expected to be released after serving one and one-half months. The difference between the current law and this bill is four and one-half months. This bill would decrease State expenditures by \$5,998 per inmate.

General fund expenditures could be further decreased as a result of decreased payments to counties for reimbursement of inmate costs. The State reimburses counties for part of the per diem rate after a person has served 90 days. State per diem reimbursements for 1997 are estimated to range from \$10 to \$48 per inmate, depending upon the jurisdiction. If more sentences are for 90 days or less, State reimbursement payments would decline.

Maximum penalties of 90 days or less would keep the cases from being transferred to the circuit courts. The resulting transfer of cases from the circuit courts to the District Court is not expected to have a significant effect on State expenditures.

Local Revenues: State per diem reimbursement payments could be reduced if fewer persons are sentenced to more than 90 days of incarceration, however any such reduction is assumed to be minimal. Any loss of revenue would be offset by decreased county costs for incarceration.

Local Expenditures: The District Court generally hears cases where the maximum penalty is one year in jail or less, while the circuit courts hear all jury cases. Since the District Court is a State institution and most costs of the circuit courts are paid by the local jurisdictions, transfer of cases from the circuit courts to the District Court may produce some savings for the local jurisdictions. In addition, juror reimbursements and other expenses related to jury trials may be reduced.

Expenditures could decrease as counties pay part of the per diem cost after 90 days. If fewer persons are sentenced in excess of 90 days, local expenditures could be reduced. Per diem operating costs of local detention facilities are expected to range from \$19 to \$96 per inmate in fiscal 1997.

Information Source(s): Department of Fiscal Services

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