

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 116 (Chairman, Judicial Proceedings Committee)
(Departmental - Public Safety and Correctional Services)
Judicial Proceedings

**Crimes - Fourth Degree Sexual Offense - Correctional Facilities and Community
Supervision**

This departmental bill defines “custodial employee” and provides that custodial employees having sexual activity with an individual in custody are guilty of a fourth degree sexual offense.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the applicable penalty provisions.

Local Effect: Potential minimal increase in revenues and expenditures due to the applicable penalty provisions.

Small Business Effect: The Department of Public Safety and Correctional Services has determined that this bill has no impact on small business (attached). Fiscal Services concurs with this assessment.

Fiscal Analysis

State Revenues: General fund revenues could increase under the applicable monetary penalty provision for those cases heard in the District Court, depending upon the number of convictions and fines imposed.

State Expenditures: To the extent that this crime is prosecuted more successfully than under another section of the code, general fund expenditures could increase as a result of the

applicable incarceration penalty due to increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed.

Persons serving a sentence of 12 months or less are sentenced to a local detention facility. The state reimburses counties for part of the per diem rate after a person has served 90 days. State per diem reimbursements are estimated to range from \$11 to \$50 per inmate, depending upon the jurisdiction. Persons sentenced in Baltimore City are incarcerated in the Baltimore City Detention Center (BCDC), a state operated facility. The per diem cost for fiscal 1997 is estimated at \$43 per inmate.

Local Revenues: Revenues could increase under the applicable monetary penalty provision for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed.

Local Expenditures: Expenditures could increase as a result of the applicable incarceration penalty depending upon the number of convictions and sentences imposed. Counties pay the full cost of incarceration for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$21 to \$109 per inmate in fiscal 1997.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Department of Fiscal Services

Fiscal Note History: First Reader - January 10, 1996

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