

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 127 (Senator Ferguson)
Judicial Proceedings

Referred to Judiciary

Child Sexual Offenses and Kidnapping - Life Without Possibility of Parole

This amended bill makes kidnapping a child under the age of 16 and forcing the child into sexual acts or vaginal intercourse punishable by a sentence of life without parole.

Fiscal Summary

State Effect: Indeterminate increase in general fund expenditures. No effect on revenues.

Local Effect: Potential increase in expenditures, especially in Baltimore County. No effect on revenues.

Fiscal Analysis

State Effect: General fund expenditures could increase as a result of the bill's increased incarceration penalty, as people may be committed to Division of Correction (DOC) facilities for longer periods. Any increase would depend upon the number of convictions and sentences imposed. For purposes of this analysis, it is assumed that a person sentenced to life without parole will spend 45 years in DOC facilities.

In 1995 there were 15 persons admitted to Division of Correction facilities for kidnapping offenses with average sentences of 190 months, although DOC records do not indicate how many offenders had victims under the age of 16 or also included charges of second degree rape or sexual offense. Since these inmates are eligible for parole, they would serve an average of 95 months (50% of the sentence). Under the bill, a person sentenced to life without parole would serve an average of 445 additional months. In fiscal 1997 the average monthly cost per inmate is estimated at \$1,400, which would increase general fund expenditures by \$623,000 for each person sentenced to life without parole under this bill. Because these offenders would be expected to be incarcerated for 95 months under current

law, annual operating costs would not begin to increase until fiscal 2005. The increase would then level off in fiscal 2042.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Attorney General; Office of the Public Defender; Department of Public Safety and Correctional Services (Division of Correction); Department of Fiscal Services; *Final Report of the Committee to Study the Death Penalty in Maryland* (1985); *Report of the Governor's Commission on the Death Penalty* (1993)

Fiscal Note History: First Reader - January 22, 1996

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