

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 587 (Senator Van Hollen, et al.)
Judicial Proceedings

First Degree Rape - First Degree Sexual Offense - Mandatory Minimum Penalty

This bill requires a person convicted of first degree rape or first degree sexual offense be given a mandatory minimum 10-year sentence. The person would not be eligible for parole.

Fiscal Summary

State Effect: Significant increase in expenditures beginning in FY 2009 as described below. No effect on revenues.

Local Effect: Potential minimal decrease in expenditures. No effect on revenues.

Fiscal Analysis

State Expenditures: In fiscal 1995 there were 78 people admitted to Division of Correction (DOC) facilities for first degree rape or sexual offense. Of those, 61 received sentences averaging 304 months and 17 received life sentences.

The actual impact of this bill will depend upon the number of persons convicted over the next several decades and the sentences imposed. For illustrative purposes, general fund expenditures would rise by \$7.6 million annually by fiscal 2024. This estimate assumes 61 new inmates are affected annually. The costs are calculated as follows:

Those serving sentences less than life had average sentences of 304 months. Making them ineligible for parole would increase their expected incarceration by 76 months, increasing

the number of beds needed by about 386. Using the estimated average monthly cost per inmate of \$1,400, this would increase general fund expenditures by \$7.6 million beginning in fiscal 2009.

Making inmates sentenced to life ineligible for parole increases their sentence by an indeterminate amount. Assuming an annual net increase of 10 inmates for the foreseeable future, the number of beds needed would increase by 10 annually (\$168,000 beginning in fiscal 2024).

General fund expenditures could decrease as a result of decreased payments to counties for reimbursement of inmate costs, depending upon the number of persons who are currently sentenced to local detention centers. 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 \$10 to \$48 per inmate, depending upon the jurisdiction.

Local Expenditures: Expenditures could decrease to the extent that persons convicted of first degree rape or sexual assault are currently sentenced to local detention centers. Counties pay the full cost of incarceration for people in their facilities 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 \$19 to \$96 per inmate in fiscal 1997.

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

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