

**Department of Fiscal Services**  
Maryland General Assembly

**FISCAL NOTE**

Senate Bill 300 (Senator McCabe)  
Judicial Proceedings

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**Sexual Offenses - Custodial Employees and Persons in Custody**

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This bill provides that a “custodial employee” who has sexual activity with an individual in “custody” is guilty of a sexual offense in the third degree. Violators are guilty of a felony and subject to the applicable penalties for a third degree sexual offense (imprisonment for up to ten years). The sentence may be separate from and consecutive to, or concurrent with, a sentence for any other sexual offense based on a use of force or lack of consent.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund expenditures due to the applicable penalty provision. No effect on general fund revenues.

**Local Effect:** Potential minimal increase in expenditures due to the applicable penalty provision. No effect on revenues.

**Small Business Effect:** None. The bill would not directly affect small businesses.

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**Fiscal Analysis**

**State Expenditures:** General fund expenditures could increase as a result of the applicable incarceration penalty due to more people being committed to a Division of Correction (DOC) facility, depending upon the number of convictions and sentences imposed. Fiscal Services has no data with which to determine how many additional prosecutions and commitments could result from this bill. Any such increase is assumed to be minimal.

Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1998 the average monthly cost per inmate is estimated at \$1,500.

Persons serving a sentence of one year or less are sentenced to a local detention facility. The State reimburses counties for part of their per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 1998 are estimated to range from \$12 to \$42 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 1998 is estimated at \$43 per inmate.

**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 \$23 to \$83 per inmate in fiscal 1998.

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**Information Source(s):** Department of Public Safety and Correctional Services (Division of Correction); St. Mary's, Harford, Prince George's, Queen Anne's and Carroll counties; Department of Fiscal Services

**Fiscal Note History:** First Reader - February 11, 1997

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