

Department of Fiscal Services  
Maryland General Assembly

**FISCAL NOTE**

House Bill 486 (Delegate E. Burns, *et al.*)  
Ways and Means

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**School Age Children - Daytime Curfew**

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This bill makes it a misdemeanor for a parent or legal guardian to fail to prevent a school-age child from being in a public place during regular school hours on a day on which the child is required to be in school. Law enforcement officers must issue a citation to a child that is in a public place while school is in session, except under certain circumstances, and file the citation with the District Court. The District Court, upon receiving the citation, must summon the child and the child's parent or guardian to appear in court. On a first conviction, a parent or legal guardian can be fined a maximum of \$50 per day of unlawful absence or imprisonment not to exceed ten days, or both. For a second or subsequent conviction, they can be fined a maximum of \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or both.

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**Fiscal Summary**

**State Effect:** Potential indeterminate increase in general fund revenues due to the bill's penalty provisions. Expenditures would not be affected.

**Local Effect:** Potential indeterminate increase in expenditures due to the bill's penalty provisions. Revenues would not be affected.

**Small Business Effect:** None. Small businesses are not directly affected.

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**Fiscal Analysis**

**Background:** Statewide, approximately 97,000 students (13.6% of all students) had more than 20 absences a year in fiscal 1996. The percentage of students with more than 20 absences ranges from 3.4% in Garrett County to 34.6% in Baltimore City. Besides Baltimore City, only two other school districts (Charles and Prince George's) exceeded the State average for the number of student absent for more than 20 days. While it is not clear how

many of these absences were approved and whether the children would have been in a public place, this does show that some jurisdictions would be more greatly affected than others.

School District	Percentage of Students with More than 20 Absences	Number of Students with More than 20 Absences
Baltimore City	34.6%	33,200
Charles County	14.6%	2,700
Garrett County	3.4%	160
Prince George's County	16.7%	17,800
Statewide Average	13.6%	97,000

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

**Local Expenditures:** Expenditures could increase as a result of the bill's incarceration penalties depending upon the number of convictions and sentences imposed. 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 \$23 to \$83 per inmate in fiscal 1998.

The Department of Fiscal Services advises that enforcement could be handled with existing law enforcement personnel.

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**Information Source(s):** Department of Fiscal Services, Maryland State Department of Education

**Fiscal Note History:** First Reader - February 10, 1997  
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