

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 297 (Senator Green, *et al.*)
Judicial Proceedings

Referred to Judiciary

Support Enforcement - Contempt

This amended bill establishes that, in a constructive civil contempt proceeding, the court may find an obligor in contempt of court based on the failure to pay court-ordered child or spousal support. A court may not make a finding of contempt if convinced that the obligor is unable to pay child support or made reasonable efforts to lawfully obtain funds needed to pay child support. After such a finding a court may defer a sentence of incarceration for a determinate period of time with an appropriate purge condition to give the obligor time to remedy the contempt by (1) coming into compliance with the support order; or (2) taking action that demonstrates that the obligor will be able to comply with the order. If the obligor fails to comply with the conditions for purging contempt, the court is required to impose a sentence of incarceration.

Fiscal Summary

State Effect: Potential significant decrease in general fund expenditures if more obligors comply with court-ordered payments, as discussed below. Minimal increase in general fund expenditures if more obligors are found in contempt of court or are incarcerated. Revenues would not be affected.

Local Effect: Minimal increase in expenditures if more obligors are found in contempt of court or are incarcerated, as discussed below. Revenues would not be affected.

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

Fiscal Analysis

State Expenditures: General fund expenditures could decrease by an indeterminate but potentially significant amount to the extent that the bill's provisions allowing an obligor to purge a contempt citation spur the obligor to comply with the order for child support and relieve the State of the need to provide cash assistance to a child.

Although the bill's requirements could increase the number of obligors found in contempt of court, any such increase is assumed to be minimal. Current law provides that an individual failing to make a court-ordered support payment must be served with an order that directs the individual to show cause why the individual should not be held in contempt. Any increase in the number of obligors found in contempt would be at least partially offset by the bill's provisions under which an obligor may purge the contempt.

General fund expenditures could increase as a result of the bill's incarceration penalty due to more people being committed to a Division of Correction (DOC) facility and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed.

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 to such a term in Baltimore City are generally incarcerated in a DOC facility, with an average monthly cost estimated at \$1,500 for fiscal 1998. [The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1998 is estimated at \$43 per inmate.]

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalty 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.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Human Resources, Department of Public Safety and Correctional Services (Division of Correction)

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