

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 518 (Senator Baker)
Judicial Proceedings

Sexual Offenders - Parole and Probation - Hormonal Treatment

This bill requires specified sexual offenders to receive medroxyprogesterone acetate treatment or its chemical equivalent as a condition of supervised release if their victim was under 13 years of age.

A court is required to determine whether such a sexual offender presents a danger to the community and is likely to commit a subsequent sexual offense. A court is also required to determine whether treating the sexual offender is medically appropriate, and to notify the Department of Public Safety and Correctional Services if a sexual offender is required to receive treatment as a condition of supervised release.

Sexual offenders who voluntarily receive an alternative permanent surgical procedure are exempt from the hormonal treatments.

Fiscal Summary

State Effect: Indeterminate general fund expenditure increase as discussed below. Revenues would not be affected.

Local Effect: None.

Small Business Effect: To the extent that the Department of Public Safety and Correctional Services procures these chemicals from small businesses in the State, a minimal benefit would accrue to the small business(es) providing that product.

Fiscal Analysis

State Expenditures: There are currently 17 inmates with either rape or another sexual offense as their major offense who may be eligible for supervised release. It is not known how many of that group had a victim under the age of 13.

Division of Correction (DOC) regulations prohibit a sexual offender from participating in a work release program until the offender is within eight months of a definite release date. The DOC advises that any application for such supervised release of sexual offenders and other serious violent offenders requires review by the Commissioner or Deputy Commissioner. Inmates regarded as violent and predatory are rarely assigned to work release.

Accordingly, since it is believed that these chemical treatments would actually be performed in only a small number of instances, the finances of the DOC would be only minimally affected. Any such treatments would only be performed during the eight-month period the inmate awaits supervised release.

However, the bill also requires a court to determine prior to sentencing whether a sexual offender presents a danger to the community and whether such a chemical treatment is medically appropriate. The Administrative Office of the Courts is unsure how these determinations would be made. It is assumed that expert medical opinions would be necessary as the basis for any such determination.

Accordingly, assuming that the courts would have to bear the cost of such outside help, this bill could increase court expenses by an indeterminate amount depending on the number of occasions such determinations would be required and the cost of appropriate medical expertise.

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

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