

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 782 (Delegate Jacobs. *et al.*)

Judiciary

Crimes - Sexually Violent Offenses - Penalties

This bill provides that a person is subject to imprisonment for life without parole if convicted of a second or subsequent sexually violent offense. This would include convictions for a sexually violent offense under federal law, or under the laws of another State, or the District of Columbia. The bill prohibits these provisions from being construed to abrogate or affect the operation of current law provisions relating to mandatory sentences for crimes of violence. These provisions are applied to second or subsequent offenses committed on or after October 1, 1998, regardless of the date of the prior offense.

Fiscal Summary

State Effect: Potential indeterminate increase in general fund expenditures. Revenues would not be affected.

Local Effect: None.

Small Business Effect: None.

Fiscal Analysis

State Expenditures: General fund expenditures could increase as a result of the bill's increased incarceration penalties due to persons being committed to a Division of Correction (DOC) facility for longer periods of time. Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1999 the average monthly cost per inmate is estimated at \$1,500.

In 1997 the Division of Correction (DOC) received 235 persons convicted of the crimes covered under this bill: first or second degree rape; first, second, or third degree sexual offense; or sexual child abuse. DOC does not know how many of these offenders had a

previous conviction for these crimes here or in another jurisdiction, although it is likely that some did. Their average sentence was 182 months (approximately 15 years).

Current statistics indicate that violent offenders serve an average of 55% of their sentence if released on parole, and an average of 75% of their sentence if not paroled (released on mandatory supervision). All inmates sentenced to life without parole serve an average of 540 months. Persons convicted of these crimes under current law would serve an average sentence of between 100 months and 137 months. Under this bill, the average time served would increase by an average of 421 months.

For illustrative purposes, under the bill's maximum incarceration penalty of life without parole the average time served would be 540 months, rather than 119 months. Thus State costs could increase by \$631,500 (\$1,500 x 421) for each person imprisoned under the bill. However, this potential impact would not begin until fiscal 2007.

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

Fiscal Note History: First Reader - February 27, 1998

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