

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 156 (Senator McCabe, *et al.*)

Judicial Proceedings

Sexual Offenses - Correctional Employees and Inmates

This bill prohibits a “correctional employee” from engaging in vaginal intercourse or a sexual act with an inmate. Violators are guilty of a misdemeanor and subject to maximum penalties of a fine of \$3,000 and/or incarceration for three years. The sentence may be separate from and consecutive to, or concurrent with, a sentence for any other sexual offense.

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.

Fiscal Analysis

State Expenditures: General fund expenditures could increase as a result of the incarceration penalty due to more people being committed to a Division of Correction (DOC) facility, depending upon the number of convictions and sentences imposed. Legislative 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 1999 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 1999 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 1999. [The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1999 is estimated at \$43 per inmate.]

Local Expenditures: Expenditures could increase as a result of the 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 1999.

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 Legislative Services

Fiscal Note History: First Reader - February 17, 1998
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