

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 1078 (Delegate M. Burns. *et al.*)

Judiciary

Crimes - Offenses Against Unborn Child

This bill makes it a felony to commit first degree murder, second degree murder, voluntary manslaughter, involuntary manslaughter, or first degree assault against an “unborn child”. It specifies the elements of these offenses and provides varying penalties, including death. It does not apply to an abortion in which the pregnant woman consented.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill’s penalty provisions.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill’s penalty provisions.

Small Business Effect: None.

Fiscal Analysis

State Expenditures: General fund expenditures could increase as a result of the bill’s incarceration penalties due to more people being committed to a Division of Correction (DOC) facility for longer periods of time and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed. Any such impact is projected 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 Revenues: Revenues could increase under the bill's monetary penalty provisions for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed. Any such increase is assumed to be minimal.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalties depending upon the number of convictions and sentences imposed. Any such increase is assumed to be minimal. 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 \$84 per inmate in fiscal 1999.

Information Source(s): Department of Health and Mental Hygiene (Community and Public Health Administration), Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 6, 1998
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