

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 368 (Senators Ferguson and Middleton)

Judicial Proceedings

Child Sexual Offenses and Kidnapping - Imprisonment for Life Without Possibility of Parole

This bill makes kidnapping a child under the age of 16 and committing first degree rape or first degree sexual offense upon the child punishable by a sentence of not more than life without parole.

The bill is applied prospectively to acts committed on or after October 1, 1998. The State must notify a defendant of an intention to seek a sentence of life without parole at least 30 days prior to trial.

Fiscal Summary

State Effect: Indeterminate increase in general fund expenditures. No effect on revenues.

Local Effect: None.

Small Business Effect: None.

Fiscal Analysis

State Effect: General fund expenditures could increase as a result of the bill's increased incarceration penalty, as people may be committed to Division of Correction (DOC) facilities for longer periods. Any increase would depend upon the number of convictions and sentences imposed. For purposes of this analysis, it is assumed that a person sentenced to life without parole will spend 45 years (540 months) in DOC facilities.

In 1997 there were 30 persons admitted to DOC facilities for kidnapping offenses, and in 18 of those cases kidnapping was the most serious offense. The average sentence for those 18

cases was 245 months, although DOC records do not indicate how many offenders had victims under the age of 16 or also included charges of second degree rape or sexual offense. Since these inmates are currently eligible for parole, they would serve an average of 123 months (50% of the sentence). Under the bill, a person sentenced to life without parole would serve an average of 417 additional months. In fiscal 1999 the average monthly cost per inmate is estimated at \$1,500, which would increase general fund expenditures by \$625,500 for each person sentenced to life without parole under this bill. Because these offenders would be expected to be incarcerated for 123 months under current law, annual operating costs would not begin to increase until fiscal 2007. The increase would then level off in fiscal 2021.

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

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