

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 1359 (Delegate Hecht. *et al.*)

Judiciary

Sexual Offenses - Correctional Employees and Inmates

This bill prohibits a “correctional employee” from engaging in vaginal intercourse or a sexual act with a State or local inmate. Violators are guilty of a misdemeanor and subject to maximum penalties of a fine of \$3,000 and/or imprisonment 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 revenues and 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 Revenues: General fund revenues could increase under the bill’s monetary penalty provision for those cases heard in the District Court, depending upon the number of convictions and fines imposed.

State Expenditures: General fund expenditures could increase as a result of the bill’s incarceration penalty due to more people being committed to a Division of Correction (DOC) facility and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed.

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. For illustrative purposes, under the bill's maximum incarceration penalty the average time served would be 18 months. Thus State costs could increase by \$27,000 for each person imprisoned under the bill.

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 provision for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalty depending upon the number of convictions and sentences imposed. 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 Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

Fiscal Note History:

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