

Department of Legislative Services  
Maryland General Assembly  
1999 Session

FISCAL NOTE

House Bill 721 (Delegate J. Kelly, *et al.*)

Judiciary

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Crimes - Presence of a Child - Penalties

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This bill prohibits a person from committing any of the following offenses “in the presence of a child”: (1) assault and certain related offenses; (2) specified sexual offenses; (3) voluntary manslaughter; and (4) murder and certain related offenses. Violators are guilty of a felony and subject to maximum penalties of a fine of \$5,000 and/or imprisonment for 5 years.

The bill authorizes consecutive or concurrent sentencing to the base criminal act establishing this violation.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund expenditures due to the bill’s penalty provisions. Revenues would not be affected.

**Local Effect:** Potential minimal increase in revenues due to the bill’s penalty provisions. Expenditures would not be affected.

**Small Business Effect:** None.

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Fiscal Analysis

**State Expenditures:** General fund expenditures could increase minimally as a result of the bill’s incarceration penalty due to more people being committed to Division of Correction (DOC) facilities for longer periods of time. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,600 per

month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$275 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2000 are estimated to range from \$8 to \$48 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions.

**Local Revenues:** Revenues could increase minimally as a result of the bill's monetary penalty provision from these cases because they would be heard in the circuit courts.

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

**Fiscal Note History:** First Reader - March 3, 1999

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