

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 1130 (Delegate J. Kelly)

Judiciary

Crimes - Presence of a Child - Penalties

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

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.

Analysis

Current Law: None applicable.

Background: Three states have adopted laws considering crimes committed in the presence of a child. In 1997, Utah made a commission of domestic violence in the presence of a child a felony offense of child abuse. Florida and California make an offense committed in the presence of a minor an aggravating circumstance considered when sentencing an offender.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to more people being committed to the Division of Correction (DOC) facilities. 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 \$1,700 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 \$260 per month.

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

Additional Information

Prior Introductions: A similar bill was introduced during the 1999 session as HB 721 and received an unfavorable report from the House Judiciary Committee.

Cross File: None.

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

Fiscal Note History: First Reader - March 8, 2000
drg/jr

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